

Senate Study Bill 1189 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to nonsubstantive Code corrections, and
2 including retroactive applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 8.44, subsection 1, paragraph a, Code 2021, is amended to read as follows:

a. Upon receiving federal funds or any other funds from any public or private sources, except gifts or donations made to institutions for the personal use or for the benefit of members, patients, or inmates and receipts from the gift shop of merchandise manufactured by members, patients, or inmates, the state departments, agencies, boards, and institutions receiving ~~such~~ the funds shall submit a written report within thirty days after receipt of the funds to the director of the department of management. The report shall state the source of the funds that supplement or replace state appropriations for institutional operations, the amount received, and the terms under which the funds are received.

Sec. 2. Section 8A.460, subsection 1, Code 2021, is amended to read as follows:

1. A terminal liability health insurance fund is created in the state treasury under the control of the department of administrative services. The proceeds of the terminal liability health insurance fund shall be used by the department of administrative services to pay the state's share of the terminal liability of the existing health insurance contract administered by the department of administrative services. The moneys appropriated to the terminal liability health insurance fund plus any additional moneys appropriated or collected pursuant to 2001 Iowa Acts, ch. 190, or other Acts of the general assembly shall constitute the total amount due to pay the terminal liability specified in [this section](#).

Sec. 3. Section 12.20, Code 2021, is amended to read as follows:

12.20 Issuance of new check.

Upon presentation of any check voided as provided in section 12.19 by the holder of the check after the ~~six-months'~~

1 six-month period, the state treasurer is authorized to issue a
2 new check for the amount of the original check to the holder.

3 Sec. 4. Section 15.317, subsection 3, Code 2021, is amended
4 to read as follows:

5 3. The business is not an entity providing professional
6 services, health care services, or medical treatments or is not
7 an entity engaged primarily in retail operations.

8 Sec. 5. Section 15.354, subsection 3, paragraph e,
9 subparagraph (2), subparagraph division (b), Code 2021, is
10 amended to read as follows:

11 (b) If the project costs cause the housing project's average
12 dwelling unit cost to exceed the applicable maximum amount
13 authorized in [section 15.353, subsection 3](#), but ~~does~~ do not
14 cause the average dwelling unit cost to exceed one hundred ten
15 percent of such applicable maximum amount, the authority may
16 consider the agreement fulfilled and may issue a tax credit
17 certificate. In such case, the authority shall reduce the tax
18 incentive award and the corresponding amount of tax incentives
19 the eligible housing project may claim under section 15.355,
20 subsections 2 and 3, by the same percentage that the housing
21 project's average dwelling unit cost exceeds the applicable
22 maximum amount under [section 15.353, subsection 3](#), and such
23 tax incentive reduction shall be reflected on the tax credit
24 certificate. If the authority issues a certificate pursuant
25 to this subparagraph division, the department of revenue
26 shall accept the certificate notwithstanding that the housing
27 project's average dwelling unit costs ~~exceeds~~ exceed the
28 maximum amount specified in [section 15.353, subsection 3](#).

29 Sec. 6. Section 15J.2, subsection 7, paragraph c, Code 2021,
30 is amended to read as follows:

31 c. A joint board or other legal entity established or
32 designated in an agreement made pursuant to chapter 28E between
33 two or more contiguous municipalities identified in paragraph
34 "a" or "b" ~~pursuant to chapter 28E~~.

35 Sec. 7. Section 17A.4A, subsection 4, unnumbered paragraph

1 1, Code 2021, is amended to read as follows:

2 Upon receipt by an agency of a timely request for a
3 regulatory analysis, the agency shall extend the period
4 specified in this chapter for each of the following until at
5 least twenty days after publication in the Iowa administrative
6 bulletin of a concise summary of the regulatory analysis:

7 Sec. 8. Section 24.29, Code 2021, is amended to read as
8 follows:

9 **24.29 Appeal.**

10 The state board may conduct the hearing or may appoint a
11 deputy. A deputy designated to hear an appeal shall attend
12 in person and conduct the hearing in accordance with section
13 24.28, ~~and~~. The deputy shall promptly report the proceedings
14 at the hearing, which report shall become a part of the
15 permanent record of the state board.

16 Sec. 9. Section 29A.75, Code 2021, is amended to read as
17 follows:

18 **29A.75 Affidavit.**

19 An affidavit, executed by an attorney in fact or agent,
20 setting forth that the attorney or agent has not or had not, at
21 the time of doing any act pursuant to the power of attorney,
22 received actual knowledge or actual notice of the revocation or
23 termination of the power of attorney, by death or otherwise,
24 or notice of any facts indicating the same, shall, in the
25 absence of fraud, be conclusive proof of the nonrevocation or
26 nontermination of the power at such time. If the exercise of
27 the power requires execution and delivery of any instrument
28 which is recordable under the laws of this state, ~~such the~~
29 affidavit ~~(when, if~~ if authenticated for record in the manner
30 prescribed by ~~law)~~ law, shall likewise be recordable.

31 Sec. 10. Section 29B.43, Code 2021, is amended to read as
32 follows:

33 **29B.43 Oaths.**

34 Before performing their official duties, military judges,
35 members of a general and special courts-martial, trial counsel,

1 assistant trial counsel, defense counsel, assistant defense
2 counsel, reporters, and interpreters shall take an oath to
3 perform their duties faithfully. The adjutant general shall
4 adopt rules prescribing the form of the oath, the time and
5 place of the taking of the oath, the manner of recording, and
6 whether the oath must be taken for all cases in which official
7 duties must be performed or for a particular case. The rules
8 may provide that an oath to perform duties faithfully as a
9 military judge, trial counsel, assistant trial counsel, defense
10 counsel, or assistant defense counsel may be taken at any
11 time by any judge advocate or legal officer, or other person
12 certified to be qualified or competent for the duty, and that
13 once taken the oath need not be taken again each time the
14 person is detailed to that duty.

15 Sec. 11. Section 48A.19, subsection 1, paragraph a,
16 subparagraph (4), Code 2021, is amended to read as follows:

17 (4) Special supplemental ~~feed~~ nutrition program for women,
18 infants, and children.

19 Sec. 12. Section 50.48, subsection 6, Code 2021, is amended
20 to read as follows:

21 6. The commissioner shall promptly notify the state
22 commissioner of any recount of votes for an office to which
23 section 50.30, or section 43.60 in the case of a primary
24 election, is applicable. If necessary, the state canvass
25 required by section 50.38, or by section 43.63, as the case
26 may be, shall be delayed with respect to the office or the
27 nomination to which the recount pertains. The commissioner
28 shall subsequently inform the state commissioner at the
29 earliest possible time whether any change in the outcome of the
30 election in that county or district resulted from the recount.

31 Sec. 13. Section 67.3, Code 2021, is amended to read as
32 follows:

33 **67.3 Refusal to obey subpoena — fees.**

34 1. If any witness, duly subpoenaed, refuses to obey ~~said~~
35 the subpoena, or refuses to testify, ~~said the~~ the commission shall

1 certify ~~said~~ the fact to the district court of the county where
2 the investigation is ~~being had and said~~ taking place. The
3 court shall proceed with ~~said~~ the witness in the same manner
4 as though ~~said~~ the refusal had occurred in a legal proceeding
5 before ~~said~~ the court or judge.

6 2. Witnesses shall be paid in the manner provided for
7 witnesses before the executive council and from the same
8 appropriation.

9 Sec. 14. Section 80.45A, subsection 1, paragraph a, Code
10 2021, is amended to read as follows:

11 *a.* "*Commissioner*" means the commissioner ~~of the department~~
12 of public safety or the commissioner's designee.

13 Sec. 15. Section 80D.9, Code 2021, is amended to read as
14 follows:

15 **80D.9 Supervision of reserve peace officers.**

16 1. Reserve peace officers shall be subordinate to regular
17 peace officers, shall not serve as peace officers unless
18 under the direction of regular peace officers, and shall
19 wear a uniform prescribed by the chief of police, sheriff,
20 commissioner of public safety, or director of the judicial
21 district department of correctional services unless that
22 superior officer designates alternate apparel for use when
23 engaged in assignments involving special investigation, civil
24 process, court duties, jail duties, and the handling of mental
25 patients. The reserve peace officer shall not wear an insignia
26 of rank.

27 2. Each department for which a reserve force is established
28 shall appoint a certified peace officer as the reserve force
29 coordinating and supervising officer. A reserve peace
30 officer force established in a judicial district department
31 of correctional services must be directly supervised by a
32 certified peace officer who is on duty. That certified peace
33 officer shall report directly to the chief of police, sheriff,
34 commissioner of public safety or the commissioner's designee,
35 or director of the judicial district department of correctional

1 services or the director's designee, as the case may be.

2 Sec. 16. Section 84A.13, subsection 4, Code 2021, is amended
3 to read as follows:

4 4. An Iowa employer innovation fund is created in the
5 state treasury as a separate fund under the control of the
6 department of workforce development, in consultation with the
7 workforce development board. The fund shall consist of any
8 moneys appropriated by the general assembly and any other
9 moneys available to and obtained or accepted by the department
10 from the federal government. A portion of the moneys deposited
11 in the fund, in an amount to be determined annually by the
12 department of workforce development in consultation with the
13 workforce development board, shall be transferred annually to
14 the Iowa child care challenge fund created pursuant to section
15 84A.13A. The assets of the Iowa employer innovation fund shall
16 be used by the department in accordance with [this section](#). All
17 moneys deposited or paid into the fund are appropriated and
18 made available to the board to be used in accordance with this
19 section. Notwithstanding [section 8.33](#), any balance in the fund
20 on June 30 of each fiscal year shall not revert to the general
21 fund of the state, but shall be available for purposes of this
22 section and for transfer in accordance with [this section](#) in
23 subsequent fiscal years.

24 Sec. 17. Section 85.26, subsection 3, Code 2021, is amended
25 to read as follows:

26 3. Notwithstanding [chapter 17A](#), the filing with the
27 workers' compensation commissioner of the original notice or
28 petition for an original proceeding or an original notice
29 or petition to reopen an award or agreement of settlement
30 provided by [section 86.13](#), for benefits under [this chapter](#) or
31 chapter 85A or [85B](#) is the only act constituting "~~commencement~~"
32 commencement for purposes of [this section](#).

33 Sec. 18. Section 85.55, subsection 1, Code 2021, is amended
34 to read as follows:

35 1. For purposes of [this section](#), franchisee "franchisee"

1 and ~~franchisor~~ "franchisor" mean the same as defined in section
2 523H.1.

3 Sec. 19. Section 85A.4, Code 2021, is amended to read as
4 follows:

5 **85A.4 Disablement defined.**

6 ~~Disablement as that term is~~ As used in this chapter is,
7 "disablement" means the event or condition where an employee
8 becomes actually incapacitated from performing the employee's
9 work or from earning equal wages in other suitable employment
10 because of an occupational disease as defined in this chapter
11 in the last occupation in which such employee is injuriously
12 exposed to the hazards of such disease.

13 Sec. 20. Section 89A.10, subsection 3, Code 2021, is amended
14 to read as follows:

15 3. If the commissioner has reason to believe that the
16 continued operation of a conveyance constitutes an imminent
17 danger which could reasonably be expected to seriously
18 injure or cause death to any person, in addition to any other
19 remedies, the commissioner may apply to the district court
20 in the county in which such imminently dangerous condition
21 exists for a temporary order for the purpose of enjoining such
22 imminently dangerous conveyance. Upon hearing, if deemed
23 appropriate by the court, a permanent injunction may be issued
24 to ~~insure~~ ensure that such imminently dangerous conveyance be
25 prevented or controlled. Upon the elimination or rectification
26 of such imminently dangerous condition, the temporary or
27 permanent injunction shall be vacated.

28 Sec. 21. Section 91.11, Code 2021, is amended to read as
29 follows:

30 **91.11 Prosecutions for violations.**

31 1. If the commissioner learns of any violation of any law
32 administered by the division, the commissioner may give the
33 county attorney of the county in which the violation occurred
34 written notice of the facts, whereupon that officer shall
35 institute the proper proceedings against the person charged

1 with the offense.

2 2. If the commissioner is of the opinion that the violation
3 is not willful, or is an oversight or of a trivial nature, the
4 commissioner may at the commissioner's discretion fix a time
5 within which the violation shall be corrected and notify the
6 owner, operator, superintendent, or person in charge, ~~and if.~~
7 If the violation is corrected within the time fixed, then the
8 commissioner shall not cause prosecution to be begun.

9 Sec. 22. Section 96.1A, subsection 37, Code 2021, is amended
10 to read as follows:

11 37. ~~"Total and partial unemployment"~~ "Totally unemployed",
12 "partially unemployed", and "temporarily unemployed".

13 a. An individual shall be deemed *"totally unemployed"*
14 in any week with respect to which no wages are payable to
15 the individual and during which the individual performs no
16 services.

17 b. An individual shall be deemed *"partially unemployed"* in
18 any week in which either of the following apply:

19 (1) While employed at the individual's then regular job, the
20 individual works less than the regular full-time week and in
21 which the individual earns less than the individual's weekly
22 benefit amount plus fifteen dollars.

23 (2) The individual, having been separated from the
24 individual's regular job, earns at odd jobs less than the
25 individual's weekly benefit amount plus fifteen dollars.

26 c. An individual shall be deemed *"temporarily unemployed"*
27 if for a period, verified by the department, not to exceed
28 four consecutive weeks, the individual is unemployed due
29 to a plant shutdown, vacation, inventory, lack of work, or
30 emergency from the individual's regular job or trade in which
31 the individual worked full-time and will again work full-time,
32 if the individual's employment, although temporarily suspended,
33 has not been terminated.

34 Sec. 23. Section 96.6, subsection 2, Code 2021, is amended
35 to read as follows:

1 2. *Initial determination.* A representative designated
2 by the director shall promptly notify all interested parties
3 to the claim of its filing, and the parties have ten days
4 from the date of ~~issuing~~ issuance of the notice of the
5 filing of the claim to protest payment of benefits to the
6 claimant. All interested parties shall select a format as
7 specified by the department to receive such notifications.
8 The representative shall promptly examine the claim and any
9 protest, take the initiative to ascertain relevant information
10 concerning the claim, and, on the basis of the facts found
11 by the representative, shall determine whether or not the
12 claim is valid, the week with respect to which benefits shall
13 commence, the weekly benefit amount payable and its maximum
14 duration, and whether any disqualification shall be imposed.
15 The claimant has the burden of proving that the claimant
16 meets the basic eligibility conditions of [section 96.4](#). The
17 employer has the burden of proving that the claimant is
18 disqualified for benefits pursuant to [section 96.5](#), except as
19 provided by [this subsection](#). The claimant has the initial
20 burden to produce evidence showing that the claimant is not
21 disqualified for benefits in cases involving [section 96.5](#),
22 subsections 10 and 11, and has the burden of proving that a
23 voluntary quit pursuant to [section 96.5, subsection 1](#), was
24 for good cause attributable to the employer and that the
25 claimant is not disqualified for benefits in cases involving
26 [section 96.5, subsection 1, paragraphs "a" through "h"](#). Unless
27 the claimant or other interested party, after notification
28 or within ten calendar days after notification was issued,
29 files an appeal from the decision, the decision is final
30 and benefits shall be paid or denied in accordance with the
31 decision. If an administrative law judge affirms a decision of
32 the representative, or the appeal board affirms a decision of
33 the administrative law judge allowing benefits, the benefits
34 shall be paid regardless of any appeal which is thereafter
35 taken, but if the decision is finally reversed, no employer's

1 account shall be charged with benefits so paid and this relief
2 from charges shall apply to both contributory and reimbursable
3 employers, notwithstanding [section 96.8, subsection 5](#).

4 Sec. 24. Section 96.14, subsection 16, Code 2021, is amended
5 to read as follows:

6 16. *Injunction upon nonpayment.* Any employer or employing
7 unit refusing or failing to make and file required reports,
8 or records, or to pay any contributions, interest, or penalty
9 under the provisions of [this chapter](#), after ten days' written
10 notice sent by the department to the employer's or employing
11 unit's last known address by certified mail, may be enjoined
12 from operating any business in the state while in violation
13 of [this chapter](#) upon the complaint of the department in the
14 district court of a county in which the employer or employing
15 unit has or had a place of business within the state, and
16 any temporary injunction enjoining the continuance of such
17 business may be granted without notice and without a bond being
18 required from the department. Such injunction may enjoin any
19 employer or employing unit from operating a business unit
20 until the delinquent contributions, interest, or penalties
21 shall have been made and filed or paid; or the employer shall
22 have furnished a good and sufficient bond conditioned upon the
23 payment of such delinquencies in such an amount and containing
24 such terms as may be determined by the court; or the employer
25 has entered into a plan for the liquidation of the business to
26 pay for such delinquencies as the court may approve, provided
27 that such injunction may be reinstated upon the employer's
28 failure to comply with the terms of said plan.

29 Sec. 25. Section 96.40, subsection 5, Code 2021, is amended
30 to read as follows:

31 5. An employer may file an appeal in writing ~~of~~ from a
32 denial or approval of a plan or revocation of an approved plan
33 by the department within thirty days from the date of the
34 decision.

35 Sec. 26. Section 124.409, subsection 3, Code 2021, is

1 amended to read as follows:

2 3. In order to obtain the most effective results from such
3 medical treatment and rehabilitative services, the court may
4 commit the person to the custody of a public or private agency
5 or any other responsible person and impose other conditions
6 upon the commitment as is necessary to ~~insure~~ ensure compliance
7 with the court's order and to ~~insure~~ ensure that the person
8 will not, during the period of treatment and rehabilitation,
9 again violate a provision of this chapter.

10 Sec. 27. Section 125.33, subsection 5, Code 2021, is amended
11 to read as follows:

12 5. If a patient leaves a facility, with or against the
13 advice of the administrator in charge of the facility, the
14 director may make reasonable provisions for the patient's
15 transportation to another facility or to the patient's home.
16 If the patient has no home the patient shall be assisted in
17 obtaining shelter. If the patient is a minor or an incompetent
18 person, the request for discharge from an inpatient facility
19 shall be made by a parent, legal guardian, or other legal
20 representative, or by the minor or incompetent person if the
21 patient was the original applicant.

22 Sec. 28. Section 135.14, subsection 2, paragraph d, Code
23 2021, is amended to read as follows:

24 d. Manage the oral and health delivery systems bureau
25 including direction, supervision, and fiscal management of
26 bureau staff.

27 Sec. 29. Section 135.15, unnumbered paragraph 1, Code 2021,
28 is amended to read as follows:

29 An oral and health delivery ~~system~~ systems bureau is
30 established within the division of health promotion and chronic
31 disease prevention of the department. The bureau shall be
32 responsible for all of the following:

33 Sec. 30. Section 135.16, Code 2021, is amended to read as
34 follows:

35 135.16 Special supplemental nutrition program for

1 women, infants, and children ~~supplemental food program~~ —
2 methamphetamine education.

3 As a component of the federal funding received by the
4 department as the administering agency for the special
5 supplemental nutrition program for women, infants, and children
6 ~~supplemental food program~~, from the United States department
7 of agriculture, food and ~~consumer~~ nutrition service, the
8 department shall incorporate a methamphetamine education
9 program into its nutrition and health-related education
10 services. The department shall be responsible for the
11 development of the education program to be delivered, and for
12 the selection of qualified contract agencies to deliver the
13 instruction under the program.

14 Sec. 31. Section 135.16A, Code 2021, is amended to read as
15 follows:

16 135.16A Vendors participating in federal ~~food~~ nutrition
17 program — egg sales.

18 1. As used in [this section](#), unless the context otherwise
19 requires:

20 a. “*Conventional eggs*” means eggs other than specialty eggs.

21 b. “*Eggs*” means shell eggs that are graded as “AA”, “A”, or
22 “B” pursuant to [7 C.F.R. pt. 56, subpt. A](#), and that are sold at
23 retail in commercial markets.

24 c. “*Federal ~~food~~ nutrition program*” means the special
25 supplemental ~~food~~ nutrition program for women, infants, and
26 children as provided in 42 U.S.C. §1786, et seq.

27 d. “*Grocery store*” means a food establishment as defined
28 in [section 137F.1](#) licensed by the department of inspections
29 and appeals pursuant to [section 137F.4](#), to sell food or food
30 products to customers intended for preparation or consumption
31 off premises.

32 e. “*Specialty eggs*” means eggs produced by domesticated
33 chickens, and sold at retail in commercial markets if the
34 chickens producing such eggs are advertised as being housed in
35 any of the following environments:

1 (1) Cage-free.

2 (2) Free-range.

3 (3) Enriched colony cage.

4 2. a. The department of inspections and appeals shall
5 assist the Iowa department of public health in adopting rules
6 necessary to implement and administer [this section](#).

7 b. If necessary to implement, administer, and enforce this
8 section, the Iowa department of public health, in cooperation
9 with the department of agriculture and land stewardship, shall
10 submit a request to the United States department of agriculture
11 for a waiver or other exception from regulations as deemed
12 feasible by the Iowa department of public health. The Iowa
13 department of public health shall regularly report the status
14 of such request to the legislative services agency.

15 3. A grocery store that is a vendor participating in a
16 federal ~~feed~~ nutrition program and offering specialty eggs
17 for retail sale shall maintain an inventory of conventional
18 eggs for retail sale sufficient to meet federal and state
19 requirements for participation in the federal ~~feed~~ nutrition
20 program.

21 4. [This section](#) does not require a grocery store to do any
22 of the following:

23 a. Stock or sell specialty eggs.

24 b. Stock or sell eggs, if the grocery store elects not to
25 stock or sell conventional eggs for retail sale as part of its
26 normal business.

27 c. Comply with the provisions of [this section](#), if the
28 grocery store's inventory of eggs for retail sale was limited
29 to specialty eggs prior to January 1, 2018.

30 5. A violation of [subsection 3](#) by a grocery store shall not
31 be construed to disqualify a grocery store from participating
32 in a federal ~~feed~~ nutrition program unless otherwise authorized
33 by the United States department of agriculture.

34 Sec. 32. Section 135.19, subsection 2, Code 2021, is amended
35 to read as follows:

1 2. The department shall establish by rule a list of
2 individuals by category who are at increased risk for viral
3 hepatitis exposure. The list shall be consistent with
4 recommendations developed by the centers for disease control
5 and prevention of the United States department of health and
6 human services, and shall be developed in consultation with
7 the Iowa viral hepatitis task force and the Iowa department
8 of veterans affairs. The department shall also establish
9 by rule what information is to be distributed and the form
10 and manner of distribution. The rules shall also establish
11 a vaccination and testing program, to be coordinated by the
12 department through local health departments and clinics and
13 other appropriate locations.

14 Sec. 33. Section 135.43, subsection 2, paragraph n, Code
15 2021, is amended to read as follows:

16 n. One other member who is appointed at large.

17 Sec. 34. Section 135.43, subsection 4, paragraph c,
18 subparagraph (3), Code 2021, is amended to read as follows:

19 (3) Confirmation of receipt by the department of human
20 services ~~receipt~~ of any report of child abuse involving
21 the child, including confirmation as to whether or not any
22 assessment involving the child was performed in accordance with
23 section 232.71B, the results of any assessment, a description
24 of the most recent assessment and the services offered to the
25 family, the services rendered to the family, and the basis for
26 the department's decisions concerning the case.

27 Sec. 35. Section 135.173A, subsection 4, paragraph n, Code
28 2021, is amended to read as follows:

29 n. One designee of the early childhood Iowa office of the
30 department of management.

31 Sec. 36. Section 148F.3, subsection 8, Code 2021, is amended
32 to read as follows:

33 8. Adoption of rules providing temporary licensing for
34 persons providing orthotic, prosthetic, and pedorthic care in
35 this state prior to ~~the effective date of this Act~~ July 1,

1 2012. A temporary license is good for no more than one year.

2 Sec. 37. Section 153.14, subsection 2, Code 2021, is amended
3 to read as follows:

4 2. Licensed ~~"physicians and surgeons"~~ physicians and
5 surgeons or licensed ~~"osteopathic physicians and surgeons"~~
6 osteopathic physicians and surgeons who extract teeth or treat
7 diseases of the oral cavity, gums, teeth, or maxillary bones as
8 an incident to the general practice of their profession.

9 Sec. 38. Section 154A.20, subsection 2, Code 2021, is
10 amended to read as follows:

11 2. The receipt shall bear the following statement in type no
12 smaller than the largest used in the body copy portion of the
13 receipt:

14 The purchaser has been advised that any examination or
15 representation made by a licensed hearing aid specialist in
16 connection with the fitting or selection and selling of this
17 hearing aid is not an examination, diagnosis, or prescription
18 by a person licensed to practice medicine in this state and,
19 therefore, must not be regarded as medical opinion or advice.

20 Sec. 39. Section 158.1, subsection 3, Code 2021, is amended
21 to read as follows:

22 3. "*Barbershop*" means an establishment in a fixed location,
23 or a location that is readily movable, where one or more
24 persons engage in the practice of barbering.

25 Sec. 40. Section 162.1, subsection 1, paragraph a, Code
26 2021, is amended to read as follows:

27 a. ~~Insure~~ Ensure that all dogs and cats handled by
28 commercial establishments are provided with humane care and
29 treatment.

30 Sec. 41. Section 190B.201, subsections 2 and 3, Code 2021,
31 are amended to read as follows:

32 2. The purpose of the fund is to relieve situations of
33 emergency experienced by families or individuals who reside
34 in this state, including low-income families and individuals
35 and unemployed families and individuals, by distributing food

1 to those persons, and the department of agriculture and land
2 stewardship may contract with an Iowa food bank association to
3 manage the program.

4 3. The Iowa food bank association managing the program
5 shall distribute food under the program to emergency feeding
6 organizations in this state. The Iowa food bank association
7 shall report to the department of agriculture and land
8 stewardship as required by the department.

9 Sec. 42. Section 191.1, Code 2021, is amended to read as
10 follows:

11 **191.1 Label requirements.**

12 All food offered or exposed for sale, or sold in package
13 or wrapped form, shall be labeled on the package or container
14 as prescribed in sections 189.9 to through 189.12, inclusive,
15 unless otherwise provided in this chapter.

16 Sec. 43. Section 191.2, unnumbered paragraph 1, Code 2021,
17 is amended to read as follows:

18 The products enumerated below shall be labeled on the side or
19 top of the container or package in which placed, kept, offered
20 or exposed for sale, or sold as prescribed in sections 189.9
21 ~~to through 189.12, inclusive,~~ except that the label shall
22 be printed in letters not less than three-quarters inch in
23 height and one-half inch in width and subject to the following
24 regulations:

25 Sec. 44. Section 200.2, Code 2021, is amended to read as
26 follows:

27 **200.2 Enforcing official.**

28 This chapter shall be administered by the secretary of
29 agriculture, ~~hereinafter referred to as the secretary.~~

30 Sec. 45. Section 200.15, Code 2021, is amended to read as
31 follows:

32 **200.15 Refusal to register or cancellation of registration**
33 **and licenses.**

34 1. The Upon satisfactory evidence that the registrant or
35 licensee has used fraudulent or deceptive practices or has

1 willfully violated any provisions of this chapter or any rules
2 and regulations promulgated under this chapter, the secretary
3 is authorized and empowered to ~~cancel~~ do any of the following:

4 a. ~~Cancel~~ the registration of any product of commercial
5 fertilizer or soil conditioner or license ~~or to refuse.~~

6 b. ~~Refuse~~ to register any product of commercial fertilizer
7 or soil conditioner ~~or refuse.~~

8 c. ~~Refuse~~ to license any applicant ~~upon satisfactory~~
9 ~~evidence that the registrant or licensee has used fraudulent or~~
10 ~~deceptive practices or has willfully violated any provisions~~
11 ~~of this chapter or any rules and regulations promulgated under~~
12 ~~this chapter.~~

13 2. However, a registration or license shall not be revoked
14 or refused until the registrant or licensee has been given the
15 opportunity to appear for a hearing by the secretary.

16 Sec. 46. Section 202B.202, subsections 1, 2, and 3, Code
17 2021, are amended to read as follows:

18 1. a. A cooperative association which is a party to a
19 contract for the care and feeding of swine in compliance with
20 section 9H.2 prior to May 9, 2003, and which is in violation of
21 section 9H.2, as amended by 2003 Iowa Acts, ch. 115, shall have
22 until June 30, 2007, to comply with section 9H.2, as amended by
23 2003 Iowa Acts, ch. 115.

24 b. Notwithstanding any provision of this section, a
25 cooperative association shall not take an action on or after
26 May 9, 2003, that would be in violation of section 9H.2, as
27 amended by 2003 Iowa Acts, ch. 115.

28 2. A processor that was in compliance with section 9H.2,
29 Code 2001, prior to January 1, 2002, and which is in violation
30 of section 9H.2, as amended by 2002 Iowa Acts, ch. 1095, shall
31 have until June 30, 2006, to comply with section 9H.2, as
32 amended by 2002 Iowa Acts, ch. 1095.

33 3. Notwithstanding any provision of this section, a
34 processor shall not take an action on or after January 1, 2002,
35 that would be in violation of section 9H.2, as amended by 2002

1 Iowa Acts, ch. 1095.

2 Sec. 47. Section 216.22, subsection 1, Code 2021, is amended
3 to read as follows:

4 1. For purposes of this section, ~~franchisee and franchisor~~
5 "franchisee" and "franchisor" mean the same as defined in
6 section 523H.1.

7 Sec. 48. Section 216B.2, Code 2021, is amended to read as
8 follows:

9 **216B.2 Commission created.**

10 1. The commission for the blind is established consisting
11 of three members appointed by the governor, subject to
12 confirmation by the senate. Members of the commission shall
13 serve three-year terms beginning and ending as provided in
14 section 69.19. ~~The commission shall adopt rules concerning~~
15 ~~programs and services for blind persons provided under~~
16 ~~this chapter.~~ The members of the commission shall appoint
17 officers for the commission. A majority of the members of the
18 commission shall constitute a quorum.

19 2. Commission members shall be reimbursed for actual
20 expenses incurred in performance of their duties. Members may
21 also be eligible to receive compensation as provided in section
22 7E.6. ~~The members of the commission shall appoint officers for~~
23 ~~the commission. A majority of the members of the commission~~
24 ~~shall constitute a quorum.~~

25 3. The commission shall adopt rules concerning programs and
26 services for blind persons provided under this chapter.

27 Sec. 49. Section 225C.3, subsection 1, Code 2021, is amended
28 to read as follows:

29 1. The division is designated the state mental health
30 authority as defined in 42 U.S.C. §201(m) (1976) for the
31 purpose of directing the benefits of the National Mental Health
32 Act, 42 U.S.C. §201 et seq. This designation does not preclude
33 the state board of regents from authorizing or directing any
34 institution under its jurisdiction to carry out educational,
35 prevention, and research activities in the areas of mental

1 health and intellectual disability. The division may contract
2 with the state board of regents or any institution under the
3 board's jurisdiction to perform any of these functions.

4 Sec. 50. Section 230.20, subsection 1, paragraph a,
5 subparagraph (2), Code 2021, is amended to read as follows:

6 (2) The costs of certain direct medical services identified
7 in administrative rule, which may include but need not be
8 limited to ~~X-ray~~ x-ray, laboratory, and dental services.

9 Sec. 51. Section 232.182, subsections 5A and 6, Code 2021,
10 are amended to read as follows:

11 ~~5A.~~ 6. If the court orders placement of the child into
12 foster care, the court or the department shall establish a
13 support obligation for the costs of the placement pursuant to
14 section 234.39.

15 ~~6.~~ 7. The hearing may be waived and the court may issue
16 the findings and order required under subsection 5 on the basis
17 of the department's written report if all parties agree to the
18 hearing's waiver and the department's written report.

19 Sec. 52. Section 260C.48, subsection 1, paragraph a,
20 subparagraph (1), subparagraph division (a), Code 2021, is
21 amended to read as follows:

22 (a) Possess a baccalaureate or graduate degree in the
23 area or a related area of study or occupational area in
24 which the instructor teaches classes, or ~~possesses~~ possess a
25 baccalaureate degree in any area of study if at least eighteen
26 of the credit hours completed were in the career and technical
27 field of instruction in which the instructor teaches classes.

28 Sec. 53. Section 261.120, subsection 3, paragraph a,
29 subparagraphs (1) and (2), Code 2021, are amended to read as
30 follows:

31 (1) Is enrolled in the final year of a doctor of veterinary
32 medicine degree program at a college of veterinary medicine
33 accredited by the American veterinary medical association
34 council on education.

35 (2) Is a veterinarian licensed pursuant to chapter 169

1 who, within five years of applying for this program, received
2 a doctor of veterinary medicine degree from a college of
3 veterinary medicine accredited by the American veterinary
4 medical association council on education.

5 Sec. 54. Section 261.120, subsection 4, paragraph a, Code
6 2021, is amended to read as follows:

7 a. Receive or possess a doctor of veterinary medicine
8 degree, or the equivalent, from a college of veterinary
9 medicine accredited by the American veterinary medical
10 association council on education.

11 Sec. 55. Section 263B.4, Code 2021, is amended to read as
12 follows:

13 **263B.4 Definitions.**

14 As used in [sections 263B.5](#) and [263B.6](#):

15 1. "Appropriate authority" means the federal or state
16 authorities concerned with the preservation and study of
17 historical objects.

18 ~~1.~~ 2. "Historical objects" means archaeological and
19 paleontological objects, including all ruins, sites, buildings,
20 artifacts, fossils, or other objects of antiquity that
21 have state and national significance from an historical or
22 scientific standpoint for the inspiration and benefit of the
23 people of the United States.

24 ~~2.~~ 3. "Salvage" means the salvage of historical objects.

25 ~~3. "Appropriate authority" means the federal or state~~
26 ~~authorities concerned with the preservation and study of~~
27 ~~historical objects.~~

28 Sec. 56. Section 272A.1, subsection 2, paragraphs a, b, c,
29 d, e, and f, Code 2021, are amended to read as follows:

30 ~~a. "Educational personnel" means persons who must meet~~
31 ~~requirements pursuant to state law as a condition of employment~~
32 ~~in educational programs.~~

33 a. "Accept", or any variant thereof, means to recognize
34 and give effect to one or more determinations of another state
35 relating to the qualifications of educational personnel in

1 lieu of making or requiring a like determination that would
2 otherwise be required by or pursuant to the laws of a receiving
3 state.

4 *b. "Designated state official"* means the education official
5 of a state selected by that state to negotiate and enter into,
6 on behalf of that state, contracts pursuant to this agreement.

7 ~~*c. "Accept", or any variant thereof, means to recognize*~~
8 ~~*and give effect to one or more determinations of another state*~~
9 ~~*relating to the qualifications of educational personnel in*~~
10 ~~*lieu of making or requiring a like determination that would*~~
11 ~~*otherwise be required by or pursuant to the laws of a receiving*~~
12 ~~*state.*~~

13 *c. "Educational personnel"* means persons who must meet
14 requirements pursuant to state law as a condition of employment
15 in educational programs.

16 ~~*d. "State" means a state, territory, or possession of the*~~
17 ~~*United States; the District of Columbia; or the Commonwealth*~~
18 ~~*of Puerto Rico.*~~

19 ~~*e. d. "Originating state"*~~ means a state, and the
20 subdivision thereof, if any, whose determination that certain
21 educational personnel are qualified to be employed for specific
22 duties in schools is acceptable in accordance with the terms of
23 a contract made pursuant to article III of this agreement.

24 ~~*f. e. "Receiving state"*~~ means a state, and the subdivisions
25 thereof, which accepts educational personnel in accordance with
26 the terms of a contract made pursuant to article III of this
27 agreement.

28 *f. "State"* means a state, territory, or possession of the
29 United States; the District of Columbia; or the Commonwealth
30 of Puerto Rico.

31 Sec. 57. Section 306A.10, Code 2021, is amended to read as
32 follows:

33 **306A.10 Notice to relocate — costs paid.**

34 Whenever the state department of transportation, a city, or
35 a county determines that relocation or removal of any utility

1 facility now located in, over, along, or under any highway
2 or street, is necessitated by the construction of a project
3 on routes of the national system of interstate and defense
4 highways including extensions within cities or on streets or
5 highways resulting from interstate substitutions in a qualified
6 metropolitan area under Tit. 23, U.S.C., the utility owning
7 or operating the facility shall relocate or remove the ~~same~~
8 facility in accordance with statutory notice. The costs of
9 relocation or removal, including the costs of installation
10 in a new location, shall be ascertained by the authority
11 having jurisdiction over the project or as determined in
12 condemnation proceedings for such purposes and may be paid from
13 participating federal aid or other funds.

14 Sec. 58. Section 311.23, subsection 1, Code 2021, is amended
15 to read as follows:

16 1. The total cost of any secondary road assessment district
17 project shall in the first instance be paid out of the county
18 treasury. Any assessments which are paid in cash, and in
19 anticipation of which assessments no certificates have been
20 issued, shall be transferred to the county treasury.

21 Sec. 59. Section 321.504, Code 2021, is amended to read as
22 follows:

23 **321.504 Optional notification.**

24 In lieu of mailing the notification described in section
25 321.502 to the defendant in a foreign state, the plaintiff may
26 cause the notification to be personally served in the foreign
27 state on the defendant by any adult person not a party to the
28 suit, by delivering the notification to the defendant or by
29 offering to make such delivery in case the defendant refuses
30 to accept delivery.

31 Sec. 60. Section 327E.1, Code 2021, is amended to read as
32 follows:

33 **327E.1 Foreign railway ~~companies~~ corporations.**

34 1. Any railway corporation organized or created by or
35 under the laws of any other state, owning and operating a line

1 or lines of railroad in such state, may build its road or
2 branches into this state, and shall possess all the powers and
3 privileges, and be subject to the same liabilities, as like
4 corporations organized and incorporated under the laws of this
5 state, ~~if it shall file~~ the railway corporation files with the
6 secretary of state a copy of its articles of incorporation, if
7 incorporated under a general law of such state, or a certified
8 copy of the statute incorporating it ~~where~~ if the charter
9 ~~thereof~~ was granted by statute.

10 2. Any such railway corporation may take and hold voluntary
11 grants of real estate and other property as are made to
12 it to aid in the construction, maintenance, and continued
13 operation of its railway. However, all real estate so received
14 shall be held only as long as the real estate is used for
15 the construction, maintenance, and continued operation of a
16 railway.

17 Sec. 61. Section 331.424, subsection 1, paragraph a,
18 subparagraph (1), subparagraph division (b), Code 2021, is
19 amended to read as follows:

20 (b) Clothing, transportation, medical, or other services
21 provided persons attending the Iowa braille and sight saving
22 school, the Iowa school for the deaf, or the university of Iowa
23 hospitals and clinics' center for disabilities and development
24 for children with severe disabilities at Iowa City, for which
25 the county becomes obligated to pay pursuant to sections
26 263.12, 269.2, and 270.4 ~~through 270.7~~.

27 Sec. 62. Section 359.3, Code 2021, is amended to read as
28 follows:

29 **359.3 Boundaries conterminous with city.**

30 Where the boundaries of any city have been changed, the board
31 of supervisors of the county in which the ~~same~~ city is situated
32 shall have power to change the boundary lines of townships so
33 as to make them conform to the boundaries of the city, and to
34 make such other changes in township lines, and the number of
35 townships, as it may deem necessary; but no action shall be

1 taken affecting the boundaries or existing conditions of school
2 districts.

3 Sec. 63. Section 359.32, Code 2021, is amended to read as
4 follows:

5 **359.32 Sale of lots — gifts.**

6 Township trustees shall have authority to provide for the
7 sale of lots, or portions thereof, in any cemetery under their
8 control, and make rules in regard thereto. Township trustees
9 may provide for perpetual upkeep by the establishment of a
10 perpetual upkeep fund from the proceeds of sale of lots, and
11 may accept ~~gifts~~ a gift, devise, or bequest, made to them for
12 that purpose.

13 Sec. 64. Section 359A.22, Code 2021, is amended to read as
14 follows:

15 **359A.22 Controversies.**

16 Upon the application of either owner, after notice is
17 given as prescribed in this chapter, the fence viewers shall
18 determine all controversies arising under sections 359A.18 to
19 through 359A.21, ~~inclusive~~, including the partition fences made
20 sheep and swine tight.

21 Sec. 65. Section 420.236, subsection 1, Code 2021, is
22 amended to read as follows:

23 1. That ~~no~~ a person shall not be permitted to pay taxes of
24 any one year until the taxes for the previous years ~~shall be~~
25 are first paid.

26 Sec. 66. Section 421.27, subsection 2, paragraph c,
27 subparagraph (2), subparagraph division (b), Code 2021, is
28 amended to read as follows:

29 (b) As used in this subparagraph, all words and phrases
30 shall have the same meaning as defined in section 422.25A ~~shall~~
31 ~~have the same meaning given them by that section.~~

32 Sec. 67. Section 421.59, subsection 1, paragraph b, Code
33 2021, is amended to read as follows:

34 b. A taxpayer may at any time revoke a power of attorney
35 filed with the department pursuant to this subsection 1. Upon

1 processing of the taxpayer's revocation of a power of attorney,
2 the department shall cease honoring the power of attorney.

3 Sec. 68. Section 422.1, subsections 4 and 10, Code 2021, are
4 amended to read as follows:

5 4. Subchapter IV Repealed by 2003 Iowa Acts,
6 1st Ex., ch. 2, §151, 205;
7 see chapter 423.

8 10. Subchapter X Repealed by 2009 Iowa Acts,
9 ch. 179, §152, 153.

10 Sec. 69. Section 422.4, subsection 10, Code 2021, is amended
11 to read as follows:

12 10. The word "*nonresident*" applies only to individuals, and
13 includes all individuals who are not "residents" within the
14 meaning of subsection 15 hereof.

15 Sec. 70. Section 422.11A, Code 2021, is amended to read as
16 follows:

17 **422.11A New jobs tax credit.**

18 1. The taxes imposed under this subchapter, less the
19 credits allowed under section 422.12, shall be reduced by a
20 new jobs tax credit. An industry which has entered into an
21 agreement under chapter 260E and which has increased its base
22 employment level by at least ten percent within the time set
23 in the agreement or, in the case of an industry without a base
24 employment level, adds new jobs within the time set in the
25 agreement is entitled to this new jobs tax credit for the tax
26 year selected by the industry. In determining if the industry
27 has increased its base employment level by ten percent or added
28 new jobs, only those new jobs directly resulting from the
29 project covered by the agreement and those directly related to
30 those new jobs shall be counted.

31 2. The amount of this credit is equal to the product of
32 six percent of the taxable wages, as defined in section 96.1A,
33 subsection 36, upon which an employer is required to contribute
34 to the state unemployment compensation fund, as defined in
35 ~~section 96.1A, subsection 36~~, times the number of new jobs

1 existing in the tax year that directly result from the project
 2 covered by the agreement or new jobs that directly result from
 3 those new jobs. The tax year chosen by the industry shall
 4 either begin or end during the period beginning with the date
 5 of the agreement and ending with the date by which the project
 6 is to be completed under the agreement. An individual may
 7 claim the new jobs tax credit allowed a partnership, subchapter
 8 S corporation, or estate or trust electing to have the income
 9 taxed directly to the individual. The amount claimed by
 10 the individual shall be based upon the pro rata share of
 11 the individual's earnings of the partnership, subchapter S
 12 corporation, or estate or trust. Any credit in excess of the
 13 tax liability for the tax year may be credited to the tax
 14 liability for the following ten tax years or until depleted,
 15 whichever is the earlier.

16 3. For purposes of [this section](#), "*agreement*", "*industry*",
 17 "*new job*", and "*project*" mean the same as defined in section
 18 260E.2 and "*base employment level*" means the number of full-time
 19 jobs an industry employs at the plant site which is covered by
 20 an agreement under [chapter 260E](#) on the date of that agreement.

21 Sec. 71. Section 422.11S, subsection 8, paragraph a,
 22 subparagraph (2), subparagraph division (b), subparagraph
 23 subdivision (i), Code 2021, is amended to read as follows:

24 (i) During any calendar year beginning on or after January
 25 1, 2022, if the amount of awarded tax credits from the
 26 preceding calendar year ~~are~~ is equal to or greater than ninety
 27 percent of the total approved tax credits for the current
 28 calendar year, the total approved tax credits for the current
 29 calendar year shall equal the product of ten percent multiplied
 30 by the total approved tax credits for the current calendar year
 31 plus the total approved tax credits for the current calendar
 32 year.

33 Sec. 72. Section 422.25A, subsection 1, paragraph r, Code
 34 2021, is amended to read as follows:

35 *r.* "*Partnership level audit*" means an examination by the

1 internal revenue service at the partnership level pursuant
2 to subchapter C, of title 26, subtitle F, chapter 63, of the
3 Internal Revenue Code, as enacted by the Bipartisan Budget Act
4 of 2015, Pub. L. No. 114-74, and as amended, which results in
5 final federal partnership adjustments initiated and made by the
6 internal revenue service.

7 Sec. 73. Section 422.29, subsection 1, Code 2021, is amended
8 to read as follows:

9 1. Judicial review of actions of the director may be
10 sought in accordance with the terms of the Iowa administrative
11 procedure Act, [chapter 17A](#). Notwithstanding the terms of ~~said~~
12 ~~Act~~ [chapter 17A](#), petitions for judicial review may be filed
13 in the district court of the county in which the petitioner
14 resides, or in which the petitioner's principal place of
15 business is located, or in the case of a nonresident not
16 maintaining a place of business in this state either in any
17 county in which the income involved was earned or derived or in
18 Polk county, within sixty days after the petitioner shall have
19 received notice of a determination by the director as provided
20 for in [section 422.28](#).

21 Sec. 74. Section 422.33, subsection 6, Code 2021, is amended
22 to read as follows:

23 6. a. The taxes imposed under [this subchapter](#) shall be
24 reduced by a new jobs tax credit. An industry which has
25 entered into an agreement under [chapter 260E](#) and which has
26 increased its base employment level by at least ten percent
27 within the time set in the agreement or, in the case of an
28 industry without a base employment level, adds new jobs within
29 the time set in the agreement is entitled to this new jobs
30 tax credit for the tax year selected by the industry. In
31 determining if the industry has increased its base employment
32 level by ten percent or added new jobs, only those new jobs
33 directly resulting from the project covered by the agreement
34 and those directly related to those new jobs shall be counted.

35 b. The amount of this credit is equal to the product of

1 six percent of the taxable wages, as defined in section 96.1A,
 2 subsection 36, upon which an employer is required to contribute
 3 to the state unemployment compensation fund, ~~as defined in~~
 4 ~~section 96.1A, subsection 36,~~ times the number of new jobs
 5 existing in the tax year that directly result from the project
 6 covered by the agreement or new jobs that directly result from
 7 those new jobs. The tax year chosen by the industry shall
 8 either begin or end during the period beginning with the date
 9 of the agreement and ending with the date by which the project
 10 is to be completed under the agreement. Any credit in excess
 11 of the tax liability for the tax year may be credited to the tax
 12 liability for the following ten tax years or until depleted in
 13 less than the ten years.

14 c. For purposes of this section, "*agreement*", "*industry*",
 15 "*new job*" and "*project*" mean the same as defined in section
 16 260E.2 and "*base employment level*" means the number of full-time
 17 jobs an industry employs at the plant site which is covered by
 18 an agreement under chapter 260E on the date of that agreement.

19 Sec. 75. Section 422.72, subsection 1, paragraph a,
 20 subparagraph (1), Code 2021, is amended to read as follows:

21 (1) It is unlawful for the director, or any person having
 22 an administrative duty under this chapter, or any present or
 23 former officer or other employee of the state authorized by the
 24 director to examine returns, to willfully or recklessly divulge
 25 in any manner ~~whatever,~~ the business affairs, operations, or
 26 information obtained by an investigation under this chapter
 27 of records and equipment of any person visited or examined
 28 in the discharge of official duty, or the amount or source
 29 of income, profits, losses, expenditures or any particular
 30 thereof, set forth or disclosed in any return~~;~~ or to willfully
 31 or recklessly permit any return or copy of a return or any book
 32 containing any abstract or particulars thereof to be seen or
 33 examined by any person except as provided by law.

34 Sec. 76. Section 455B.133B, subsection 5, paragraph d,
 35 subparagraph (2), unnumbered paragraph 1, Code 2021, is amended

1 to read as follows:

2 Notwithstanding subparagraph (1), moneys in the air emission
3 fee account are also appropriated to the department to pay for
4 costs associated with implementing and administering regulatory
5 activities, including programs, provided for in ~~division this~~
6 subchapter II of this chapter, other than costs covered by any
7 of the following:

8 Sec. 77. Section 455B.134, subsection 3, paragraph e,
9 subparagraph (1), unnumbered paragraph 1, Code 2021, is amended
10 to read as follows:

11 Notwithstanding any other provision of ~~division this~~
12 subchapter II of this chapter or chapter 459, subchapter II,
13 the following siting requirements shall apply to anaerobic
14 lagoons and earthen waste slurry storage basins:

15 Sec. 78. Section 455B.134, subsections 12 and 13, Code 2021,
16 are amended to read as follows:

17 12. Review and evaluate air pollution control programs
18 conducted by political subdivisions of the state with respect
19 to whether the programs are consistent with the provisions of
20 ~~division this subchapter II of this chapter~~ and chapter 459,
21 subchapter II, and rules adopted by the commission.

22 13. Hold public hearings, except when the evidence to
23 be received is confidential pursuant to section 455B.137,
24 necessary to accomplish the purposes of ~~division this~~
25 subchapter II of this chapter and chapter 459, subchapter II.
26 The director may issue subpoenas requiring the attendance of
27 witnesses and the production of evidence pertinent to the
28 hearings. A subpoena shall be issued and enforced in the same
29 manner as in civil actions.

30 Sec. 79. Section 455B.138, subsection 1, Code 2021, is
31 amended to read as follows:

32 1. When the director has evidence that a violation of
33 any provision of ~~division this subchapter II of this chapter~~
34 or chapter 459, subchapter II, or rule, standard, or permit
35 established or issued under division this subchapter II or

1 chapter 459, subchapter II, has occurred, the director shall
2 notify the alleged violator and, by informal negotiation,
3 attempt to resolve the problem. If the negotiations fail
4 to resolve the problem within a reasonable period of time,
5 the director shall issue an order directing the violator to
6 prevent, abate, or control the emissions or air pollution
7 involved. The order shall prescribe the date by which the
8 violation shall cease and may prescribe timetables for
9 necessary action to prevent, abate, or control the emissions of
10 air pollution. The order may be appealed to the commission.
11 The applicable time frames for the issuance and appeal of the
12 order are defined in [section 455B.110](#).

13 Sec. 80. Section 455B.140, Code 2021, is amended to read as
14 follows:

15 **455B.140 Judicial review.**

16 Judicial review of actions of the commission or of the
17 director may be sought in accordance with the terms of the Iowa
18 administrative procedure Act, [chapter 17A](#). Notwithstanding the
19 terms of ~~said Act~~ [chapter 17A](#), petitions for judicial review
20 may be filed in the district court of the county in which the
21 alleged offense was committed.

22 Sec. 81. Section 455B.143, subsection 1, Code 2021, is
23 amended to read as follows:

24 1. The director shall promptly investigate the application
25 and approve or disapprove the application. The director
26 may grant a variance if the director finds ~~that~~ all of the
27 following:

28 *a.* The emissions occurring or proposed to occur do not
29 endanger or tend to endanger human health or safety or
30 property; ~~and.~~

31 *b.* Compliance with the rules or standards from which the
32 variance is sought will produce serious hardship without equal
33 or greater benefits to the public.

34 Sec. 82. Section 455B.145, Code 2021, is amended to read as
35 follows:

1 **455B.145 Acceptance of local program.**

2 When an air pollution control program conducted by a
3 political subdivision, or a combination of them, is deemed upon
4 review as provided in [section 455B.134](#), to be consistent with
5 the provisions of this [division subchapter II](#) or the rules
6 established under [this division subchapter II](#), the director
7 shall accept such program in lieu of state administration and
8 regulation of air pollution within the political subdivisions
9 involved. [This section](#) shall not be construed to limit the
10 power of the director to issue state permits and to take
11 other actions consistent with this [division subchapter II](#)
12 or the rules established under this ~~division~~ [subchapter](#)
13 that the director deems necessary for the continued proper
14 administration of the air pollution programs within the
15 jurisdiction of the local air pollution program.

16 1. In evaluating an air pollution control program,
17 consideration shall be given to whether such program provides
18 for the following:

19 a. Ordinances, rules, and standards establishing
20 requirements consistent with, or more strict than, those
21 imposed by this [division subchapter II](#) or rules and standards
22 adopted by the department.

23 b. Enforcement of such requirements by appropriate
24 administrative and judicial process.

25 c. Administrative organization, staff, financial, and other
26 resources necessary to administer an efficient and effective
27 program.

28 d. Location of emission monitoring devices in areas of
29 the political subdivision in compliance with uniform state
30 standards adopted by the department. The department shall
31 adopt uniform state standards for the location of emission
32 monitoring devices specifying such intervals and such
33 procedures to provide a reasonably consistent measurement
34 of emissions from air contaminant sources regardless of the
35 political subdivision of the state in which the sources may be

1 located.

2 2. Upon acceptance of a local air pollution control program,
3 the director shall issue a certificate of acceptance to the
4 appropriate local agency.

5 a. Any political subdivision desiring a certificate of
6 acceptance shall apply to the department on forms prescribed by
7 the director.

8 b. The director shall promptly investigate the application
9 and approve or disapprove the application. The director may
10 conduct a public hearing before action is taken to approve or
11 disapprove. If the director disapproves issuing a certificate,
12 the political subdivision may appeal the action to the
13 department of inspections and appeals. At the hearing on
14 appeal, the department of inspections and appeals shall decide
15 whether the local program is substantially consistent with the
16 provisions of this ~~division~~ subchapter II, or rules adopted
17 thereunder, and whether the local program is being enforced.
18 The burden of proof shall be upon the political subdivision.

19 c. If the director determines at any time that a local air
20 pollution program is being conducted in a manner inconsistent
21 with the substantive provisions of this ~~division~~ subchapter
22 II or the rules adopted ~~thereunder~~ under this subchapter
23 II, the director shall notify the political subdivision,
24 citing the deviations from the acceptable standards and the
25 corrective measures to be completed within a reasonable amount
26 of time. If the corrective measures are not implemented as
27 prescribed, the director shall suspend in whole or in part the
28 certificate of acceptance of such political subdivision and
29 shall administer the regulatory provisions of ~~said division~~
30 this subchapter II in whole or in part within the political
31 subdivision until the appropriate standards are met. Upon
32 receipt of evidence that necessary corrective action has been
33 taken, the director shall reinstate the suspended certificate
34 of acceptance, and the political subdivision shall resume the
35 administration of the local air pollution control program

1 within its jurisdiction. In cases where the certificate of
2 acceptance is suspended, the political subdivision may appeal
3 the suspension to the department of inspections and appeals.

4 *d.* Nothing in this division subchapter II shall be construed
5 to supersede the jurisdiction of any local air pollution
6 control program in operation on the first of January, 1973,
7 except that any such program shall meet all requirements of
8 ~~said division~~ this subchapter II.

9 Sec. 83. Section 455B.146, Code 2021, is amended to read as
10 follows:

11 **455B.146 Civil action for compliance — local program**
12 **actions.**

13 If any order, permit, or rule of the department is being
14 violated, the attorney general shall, at the request of the
15 department or the director, institute a civil action in any
16 district court for injunctive relief to prevent any further
17 violation of the order, permit, or rule, or for the assessment
18 of a civil penalty as determined by the court, not to exceed
19 ten thousand dollars per day for each day such violation
20 continues, or both such injunctive relief and civil penalty.
21 Notwithstanding sections 331.302 and 331.307, a city or county
22 which maintains air pollution control programs authorized by
23 certificate of acceptance under this division subchapter II may
24 provide civil penalties consistent with the amount established
25 for such penalties under this division subchapter II.

26 Sec. 84. Section 455B.146A, subsections 1 and 2, Code 2021,
27 are amended to read as follows:

28 1. A person who knowingly violates any provision of ~~division~~
29 this subchapter II of this chapter, any permit, rule, standard,
30 or order issued under ~~division~~ this subchapter II of this
31 ~~chapter~~, or any condition or limitation included in any permit
32 issued under division this subchapter II of this chapter,
33 is guilty of an aggravated misdemeanor. A conviction for a
34 violation is punishable by a fine of not more than ten thousand
35 dollars for each day of violation or by imprisonment for not

1 more than two years, or both. If the conviction is for a
2 second or subsequent violation committed by a person under this
3 section, however, the conviction is punishable by a fine of not
4 more than twenty thousand dollars for each day of violation or
5 by imprisonment for not more than four years, or by both.

6 2. a. A person who knowingly makes any false statement,
7 representation, or certification of any application, record,
8 report, plan, or other document filed or required to be
9 maintained under ~~division this subchapter II of this chapter~~,
10 or by any permit, rule, standard, or order issued under
11 ~~division this subchapter II of this chapter~~ or who falsifies,
12 tampers with, or knowingly renders inaccurate any monitoring
13 device or method required to be maintained under ~~division~~
14 ~~this subchapter II of this chapter~~, or by any permit, rule,
15 standard, or order issued under ~~division this subchapter II~~
16 ~~of this chapter~~, or who knowingly fails to notify or report
17 as required by ~~division this subchapter II of this chapter~~ or
18 by any permit, rule, standard, or order issued under ~~division~~
19 ~~this subchapter II of this chapter~~, or by any condition or
20 limitation included in any permit issued under ~~division this~~
21 ~~subchapter II of this chapter~~, is guilty of an aggravated
22 misdemeanor punishable by a fine of not more than ten thousand
23 dollars per day per violation or by imprisonment for not more
24 than one year, or by both. If the conviction is for a second
25 or subsequent violation committed by a person under this
26 paragraph, however, the conviction is punishable by a fine of
27 not more than twenty thousand dollars for each day of violation
28 or by imprisonment for not more than two years, or by both.

29 b. A person who knowingly fails to pay any fee owed the
30 state under any provision of ~~division this subchapter II of~~
31 ~~this chapter~~, or any permit, rule, standard, or order issued
32 under ~~division this subchapter II of this chapter~~, is guilty of
33 an aggravated misdemeanor punishable by a fine of not more than
34 ten thousand dollars per day per violation or by imprisonment
35 for not more than six months, or by both. If the conviction

1 is for a second or subsequent violation under this paragraph,
2 however, the conviction is punishable by a fine of not more
3 than twenty thousand dollars for each day of violation or by
4 imprisonment for not more than one year, or by both.

5 Sec. 85. Section 455B.149, subsection 1, Code 2021, is
6 amended to read as follows:

7 1. Upon application by the owner or operator of a
8 fuel-burning stationary source, and after notice and
9 opportunity for public hearing, the commission may petition
10 the president, under section 110, subsection "f", paragraph
11 1, of the federal Clean Air Act as amended through January 1,
12 1991, for a determination that a national or regional energy
13 emergency exists. If the president determines an emergency
14 exists, the commission may suspend any requirement of this
15 ~~division~~ subchapter II or a rule or permit issued under this
16 ~~division~~ subchapter II. A temporary emergency suspension under
17 this subsection shall be issued only if there exists in the
18 vicinity of the source a temporary emergency involving high
19 levels of unemployment or loss of necessary energy supplies for
20 residential buildings and if the unemployment or loss can be
21 totally or partially alleviated by the suspension. Only one
22 suspension may be issued for a source on the basis of the same
23 set of circumstances or on the basis of the same emergency.
24 A suspension shall remain in effect for a maximum of four
25 months. The commission may include in a suspension a provision
26 directing the director to delay for a period identical to the
27 period of the suspension a compliance schedule or increment
28 of progress to which the source is subject under section
29 455B.138, if the source is unable to comply with the schedule
30 or increment solely because of the conditions on the basis of
31 which the suspension was issued.

32 Sec. 86. Section 455B.171, subsections 28 and 36, Code 2021,
33 are amended to read as follows:

34 28. "*Schedule of compliance*" means a schedule of remedial
35 measures including an enforceable sequence of actions or

1 operations leading to compliance with any effluent standard,
2 water quality standard, or any other requirement of this part
3 1 of ~~this division~~ subchapter III or any rule promulgated
4 pursuant ~~thereto~~ to this subchapter.

5 36. "*Sewer system*" means pipelines or conduits, pumping
6 stations, force mains, vehicles, vessels, conveyances,
7 injection wells, and all other constructions, devices, and
8 appliances appurtenant thereto used for conducting sewage
9 or industrial waste or other wastes to a point of ultimate
10 disposal or disposal to any water of the state. To the extent
11 that they are not subject to section 402 of the federal Water
12 Pollution Control Act, ditches, pipes, and drains that serve
13 only to collect, channel, direct, and convey nonpoint runoff
14 from precipitation are not considered as sewer systems for the
15 purposes of this part 1 of ~~this division~~ subchapter III.

16 Sec. 87. Section 455B.173, subsection 2, paragraph b, Code
17 2021, is amended to read as follows:

18 b. If the federal environmental protection agency has
19 promulgated an effluent standard or pretreatment standard
20 pursuant to section 301, 306, or 307 of the federal Water
21 Pollution Control Act, a pretreatment or effluent standard
22 adopted pursuant to ~~this section~~ shall not be more stringent
23 than the federal effluent or pretreatment standard for such
24 source. ~~This section~~ may not preclude the establishment of
25 a more restrictive effluent limitation in the permit for a
26 particular point source if the more restrictive effluent
27 limitation is necessary to meet water quality standards, the
28 establishment of an effluent standard for a source or class of
29 sources for which the federal environmental protection agency
30 has not promulgated standards pursuant to section 301, 306,
31 or 307 of the federal Water Pollution Control Act. Except as
32 required by federal law or regulation, the commission shall not
33 adopt an effluent standard more stringent with respect to any
34 pollutant than is necessary to reduce the concentration of that
35 pollutant in the effluent to the level due to natural causes,

1 including the mineral and chemical characteristics of the land,
 2 existing in the water of the state to which the effluent is
 3 discharged. Notwithstanding any other provision of this part
 4 1 of ~~this division~~ subchapter III or chapter 459, subchapter
 5 III, any new source, the construction of which was commenced
 6 after October 18, 1972, and which was constructed as to meet
 7 all applicable standards of performance for the new source or
 8 any more stringent effluent limitation required to meet water
 9 quality standards, shall not be subject to any more stringent
 10 effluent limitations during a ten-year period beginning on the
 11 date of completion of construction or during the period of
 12 depreciation or amortization of the pollution control equipment
 13 for the facility for the purposes of section 167 or 169 or both
 14 sections of the Internal Revenue Code, whichever period ends
 15 first.

16 Sec. 88. Section 455B.174, subsections 1 and 3, Code 2021,
 17 are amended to read as follows:

18 1. Conduct investigations of alleged water pollution or of
 19 alleged violations of this part 1 of ~~this division~~ subchapter
 20 III, chapter 459, subchapter III, chapter 459A, chapter 459B,
 21 or any rule adopted or any permit issued pursuant thereto upon
 22 written request of any state agency, political subdivision,
 23 local board of health, twenty-five residents of the state,
 24 as directed by the department, or as may be necessary to
 25 accomplish the purposes of this part 1 of ~~this division~~
 26 subchapter III, chapter 459, subchapter III, chapter 459A, or
 27 chapter 459B.

28 3. Take any action or actions allowed by law which, in
 29 the director's judgment, are necessary to enforce or secure
 30 compliance with the provisions of this part 1 of ~~this division~~
 31 subchapter III or chapter 459, subchapter III, or of any rule
 32 or standard established or permit issued pursuant thereto.

33 Sec. 89. Section 455B.174, subsection 4, paragraph a,
 34 subparagraph (1), unnumbered paragraph 1, Code 2021, is amended
 35 to read as follows:

1 Approve or disapprove the plans and specifications for
2 the construction of disposal systems or public water supply
3 systems except for those sewer extensions and water supply
4 distribution system extensions which are reviewed by a city
5 or county public works department as set forth in section
6 455B.183. The director shall issue, revoke, suspend, modify,
7 or deny permits for the operation, installation, construction,
8 addition to, or modification of any disposal system or public
9 water supply system except for sewer extensions and water
10 supply distribution system extensions which are reviewed by a
11 city or county public works department as set forth in section
12 455B.183. The director shall also issue, revoke, suspend,
13 modify, or deny permits for the discharge of any pollutant, or
14 for the use or disposal of sewage sludge. The permits shall
15 contain conditions and schedules of compliance as necessary
16 to meet the requirements of this part 1 of ~~this division~~
17 subchapter III or chapter 459, subchapter III, the federal
18 Water Pollution Control Act and the federal Safe Drinking
19 Water Act. A permit issued under this chapter for the use or
20 disposal of sewage sludge is in addition to and must contain
21 references to any other permits required under this chapter.
22 The director shall not issue or renew a permit to a disposal
23 system or a public water supply system which is not viable.
24 If the director has reasonable grounds to believe that a
25 disposal system or public water supply system is not viable,
26 the department may require the system to submit a business plan
27 as a means of determining viability. This plan shall include
28 the following components:

29 Sec. 90. Section 455B.174, subsection 5, paragraph a, Code
30 2021, is amended to read as follows:

31 a. Periodically review permits and reports submitted by city
32 and county public works departments in accordance with section
33 455B.183, subsection 3, to ensure such public works departments
34 are complying with this part 1 of ~~this division~~ subchapter III.
35 If a city or county public works department is not complying

1 with [section 455B.183](#) in reviewing plans and specifications
2 or in granting permits or both, the department shall perform
3 these functions in that jurisdiction until the city or county
4 public works department is able to perform them. Performance
5 of these functions in a jurisdiction by a local public works
6 department shall not be suspended or revoked until after notice
7 and opportunity for hearing as provided in [chapter 17A](#).

8 Sec. 91. Section 455B.175, Code 2021, is amended to read as
9 follows:

10 **455B.175 Violations.**

11 1. If there is substantial evidence that any person has
12 violated or is violating any provision of, or any rule or
13 standard established or permit issued pursuant to, this part
14 1 of ~~this division~~ subsection III, chapter 459, subchapter
15 III, [chapter 459A](#), or [chapter 459B](#), ~~or of any rule or standard~~
16 ~~established or permit issued pursuant thereto,~~ then one of the
17 following may apply:

18 a. The director may issue an order directing the person
19 to desist in the practice which constitutes the violation or
20 to take such corrective action as may be necessary to ensure
21 that the violation will cease. The person to whom such order
22 is issued may cause to be commenced a contested case within
23 the meaning of the Iowa administrative procedure Act, chapter
24 17A, by filing with the director a notice of appeal to the
25 commission. The applicable time frames for the issuance and
26 appeal of the order are defined in [section 455B.110](#). On appeal
27 the commission may affirm, modify, or vacate the order of the
28 director, ~~or.~~

29 b. If it is determined by the director that an emergency
30 exists respecting any matter affecting or likely to affect the
31 public health, the director may issue any order necessary to
32 terminate the emergency without notice and without hearing.
33 Any such order shall be binding and effective immediately and
34 until such order is modified or vacated at a hearing before the
35 commission or by a court, ~~or.~~

1 *c.* The director, with the approval of the commission, may
2 request the attorney general to institute legal proceedings
3 pursuant to [section 455B.191](#) or [459.604](#).

4 2. Notwithstanding the limitations on civil and criminal
5 penalty amounts in [sections 331.302](#) and [331.307](#), a county that
6 has entered into an agreement with the department pursuant to
7 sections 455B.174 and [455B.183](#) regarding the construction of
8 semipublic sewage disposal systems may assess civil penalties
9 in amounts consistent with and not exceeding the amounts
10 established for such penalties under this ~~division~~ subchapter
11 III.

12 Sec. 92. Section 455B.177, subsection 1, Code 2021, is
13 amended to read as follows:

14 1. The general assembly finds and declares that because
15 the federal Water Pollution Control Act provides for a permit
16 system to regulate the discharge of pollutants into the waters
17 of the United States and provides that permits may be issued
18 by states which are authorized to implement that Act, it is
19 in the interest of the people of Iowa to enact this part 1 of
20 this ~~division~~ subchapter III in order to authorize the state to
21 implement the federal Water Pollution Control Act, and federal
22 regulations and guidelines issued pursuant to that Act.

23 Sec. 93. Section 455B.179, Code 2021, is amended to read as
24 follows:

25 **455B.179 Trade secrets protected.**

26 Upon a satisfactory showing by any person to the director
27 that public disclosure of any record, report, permit, permit
28 application, or other document or information or part thereof
29 would divulge methods or processes entitled to protection
30 as a trade secret, any such record, report, permit, permit
31 application, or other document or part thereof other than
32 effluent data and analytical results of monitoring of public
33 water supply systems, shall be accorded confidential treatment.
34 Notwithstanding the provisions of [chapter 22](#), a person in
35 connection with duties or employment by the department shall

1 not make public any information accorded confidential status;
2 however, any such record or other information accorded
3 confidential status may be disclosed or transmitted to other
4 officers, employees, or authorized representatives of this
5 state or the United States concerned with carrying out this
6 part 1 of ~~this division~~ subchapter III; chapter 459, subchapter
7 III; or chapter 459A; or when relevant in any proceeding under
8 this part 1 of ~~this division~~ subchapter III; chapter 459,
9 subchapter III; or chapter 459A.

10 Sec. 94. Section 455B.182, Code 2021, is amended to read as
11 follows:

12 **455B.182 Failure constitutes contempt.**

13 Failure to obey any order issued by the department with
14 reference to a violation of this part 1 of this ~~division~~
15 subchapter III; chapter 459, subchapter III; chapter 459A;
16 chapter 459B; or any rule promulgated or permit issued pursuant
17 thereto shall constitute prima facie evidence of contempt. In
18 such event the department may certify to the district court
19 of the county in which such alleged disobedience occurred
20 the fact of such failure. The district court after notice,
21 as prescribed by the court, to the parties in interest shall
22 then proceed to hear the matter and if it finds that the order
23 was lawful and reasonable, it shall order the party to comply
24 with the order. If the person fails to comply with the court
25 order, that person shall be guilty of contempt and shall be
26 fined not to exceed five hundred dollars for each day that the
27 person fails to comply with the court order. The penalties
28 provided in ~~this section~~ shall be considered as additional
29 to any penalty which may be imposed under the law relative
30 to nuisances or any other statute relating to the pollution
31 of any waters of the state or related to public water supply
32 systems and a conviction under ~~this section~~ shall not be a bar
33 to prosecution under any other penal statute.

34 Sec. 95. Section 455B.183A, subsection 1, Code 2021, is
35 amended to read as follows:

1 1. A water quality protection fund is created in the
2 state treasury under the control of the department. The fund
3 consists of moneys appropriated to the fund by the general
4 assembly, moneys deposited into the fund from fees described
5 in [subsection 2](#), moneys deposited into the fund from fees
6 collected pursuant to [sections 455B.187](#) and [455B.190A](#), and
7 other moneys available to and obtained or accepted by the
8 department from the United States government or private sources
9 for placement in the fund. The fund is divided into the public
10 water supply system account and the private water supply system
11 account. Moneys in the public water supply system account are
12 appropriated to the department for purposes of carrying out
13 the provisions of [this division subchapter III](#), which relate
14 to the administration, regulation, and enforcement of the
15 federal Safe Drinking Water Act, and to support the program to
16 assist supply systems, as provided in [section 455B.183B](#). Moneys
17 in the private water supply system account are appropriated
18 to the department for the purpose of supporting the programs
19 established to protect private drinking water supplies
20 as provided in [sections 455B.187](#), [455B.188](#), [455B.190](#), and
21 [455B.190A](#).

22 Sec. 96. Section 455B.183C, Code 2021, is amended to read
23 as follows:

24 **455B.183C Personnel — department of management.**

25 Notwithstanding any limitation upon the department's
26 number of full-time equivalent positions as defined in
27 section 8.36A, any point limitation on personnel, or any other
28 limitation upon the number of personnel or their employment
29 classification, imposed by the department of management, the
30 department may employ the number of full-time equivalent
31 positions which equals the number of positions allocated by the
32 general assembly to the department for each applicable fiscal
33 year in order to carry out the provisions of [this division](#)
34 [subchapter III](#) relating to the administration, regulation,
35 and enforcement of the federal Safe Drinking Water Act and

1 the program to assist supply systems, but only to the extent
2 that moneys used to support the positions derive from moneys
3 deposited in the water quality protection fund, as provided
4 in [section 455B.183A](#). If a specific number of full-time
5 equivalent positions are not allocated by the general assembly,
6 the department may fill any number of positions required
7 to administer the program, to the extent the positions are
8 supported by the fund.

9 Sec. 97. Section 455B.191, subsections 2, 4, 5, and 6, Code
10 2021, are amended to read as follows:

11 2. Any person who violates any provision of this part 1
12 of [division subchapter III of this chapter](#) or any permit,
13 rule, standard, or order issued under this part 1 of ~~division~~
14 ~~subchapter III of this chapter~~ shall be subject to a civil
15 penalty not to exceed five thousand dollars for each day of
16 such violation.

17 4. Any person who knowingly makes any false statement,
18 representation, or certification in any application, record,
19 report, plan or other document filed or required to be
20 maintained under this part 1 of ~~division subchapter III of this~~
21 ~~chapter~~, or who falsifies, tampers with, or knowingly renders
22 inaccurate any monitoring device or method required to be
23 maintained under this part 1 of ~~division subchapter III of this~~
24 ~~chapter~~ or by any permit, rule, regulation, or order issued
25 under this part 1 of [division subchapter III of this chapter](#),
26 shall upon conviction be punished by a fine of not more than
27 ten thousand dollars or by imprisonment in the county jail for
28 not more than six months or by both such fine and imprisonment.

29 5. The attorney general shall, at the request of the
30 director with approval of the commission, institute any
31 legal proceedings, including an action for an injunction or
32 a temporary injunction, necessary to enforce the penalty
33 provisions of this part 1 of ~~division subchapter III of this~~
34 ~~chapter~~ or to obtain compliance with the provisions of this
35 part 1 of [division subchapter III of this chapter](#) or any rules

1 promulgated or any provision of any permit issued under this
2 part 1 of division subchapter III of this chapter. In any such
3 action, any previous findings of fact of the director or the
4 commission after notice and hearing shall be conclusive if
5 supported by substantial evidence in the record when the record
6 is viewed as a whole.

7 6. In all proceedings with respect to any alleged violation
8 of the provisions of this part 1 of division subchapter III or
9 any rule established by the commission or the department, the
10 burden of proof shall be upon the commission or the department
11 except in an action for contempt as provided in section
12 455B.182.

13 Sec. 98. Section 455B.192, Code 2021, is amended to read as
14 follows:

15 **455B.192 Local government — penalties.**

16 Notwithstanding sections 331.302, 331.307, 364.3, and
17 364.22, a city or county may assess a civil penalty for a
18 violation of this division subchapter III which is equal to the
19 amount the department has assessed for a violation under this
20 division subchapter III.

21 Sec. 99. Section 455B.219, subsection 8, Code 2021, is
22 amended to read as follows:

23 8. Willful or repeated violations of division this
24 subchapter III of this chapter.

25 Sec. 100. Section 455B.224, Code 2021, is amended to read
26 as follows:

27 **455B.224 Simple misdemeanor.**

28 Any person, including any firm, corporation, municipal
29 corporation, or other governmental subdivision or agency,
30 violating any provisions of this part 2 of division subchapter
31 III or the rules adopted thereunder under this part after
32 written notice thereof by the executive director is guilty of a
33 simple misdemeanor. Each day of operation in such violation
34 of ~~said~~ this part or any rules adopted ~~thereunder~~ under this
35 part shall constitute a separate offense. It shall be the duty

1 of the appropriate county attorney to secure injunctions of
2 continuing violations of any provisions of ~~said~~ this part or
3 the rules adopted ~~thereunder~~ under this part.

4 Sec. 101. Section 455B.307, Code 2021, is amended to read
5 as follows:

6 **455B.307 Dumping — where prohibited — penalty.**

7 1. A private agency or public agency shall not dump or
8 deposit or permit the dumping or depositing of any solid waste
9 at any place other than a sanitary disposal project approved
10 by the director unless the agency has been granted a permit
11 by the department which allows the dumping or depositing
12 of solid waste on land owned or leased by the agency. The
13 department shall adopt rules regarding the permitting of this
14 activity which shall provide that the public interest is best
15 served, but which may be based upon criteria less stringent
16 than those regulating a public sanitary disposal project
17 provided that the rules adopted meet the groundwater protection
18 goal specified in [section 455E.4](#). The comprehensive plans
19 for these facilities may be varied in consideration of the
20 types of sanitary disposal practices, hydrologic and geologic
21 conditions, construction and operations characteristics, and
22 volumes and types of waste handled at the disposal site. The
23 director may issue temporary permits for dumping or disposal
24 of solid waste at disposal sites for which an application
25 for a permit to operate a sanitary disposal project has been
26 made and which have not met all of the requirements of part 1
27 of [this division subchapter IV](#) and the rules adopted by the
28 commission if a compliance schedule has been submitted by the
29 applicant specifying how and when the applicant will meet the
30 requirements for an operational sanitary disposal project and
31 the director determines the public interest will be best served
32 by granting such temporary permit.

33 2. The director may issue any order necessary to secure
34 compliance with or prevent a violation of the provisions of
35 this part 1 of [division subchapter IV](#) or the rules adopted

1 pursuant to the part. The attorney general shall, on request
2 of the department, institute any legal proceedings necessary
3 in obtaining compliance with an order of the commission or
4 the director or prosecuting any person for a violation of the
5 provisions of the part or rules issued pursuant to ~~the~~ this
6 part.

7 3. Any person who violates any provision of part 1 of this
8 ~~division~~ subchapter IV or any rule or any order adopted or
9 the conditions of any permit or order issued pursuant to part
10 1 of this division subchapter IV shall be subject to a civil
11 penalty, not to exceed five thousand dollars for each day of
12 such violation.

13 Sec. 102. Section 455B.307A, subsection 4, Code 2021, is
14 amended to read as follows:

15 4. This section shall not apply to the discarding of litter
16 regulated under ~~chapter 455B, division~~ subchapter IV, part 3,
17 and local littering ordinances.

18 Sec. 103. Section 455B.396, subsection 1, Code 2021, is
19 amended to read as follows:

20 1. Liability to the state under this part 4 or part 5 of
21 this ~~division~~ subchapter IV is a debt to the state. Liability
22 to a political subdivision under this part 4 of this ~~division~~
23 subchapter IV is a debt to the political subdivision. The
24 debt, together with interest on the debt at the maximum
25 lawful rate of interest permitted pursuant to section 535.2,
26 subsection 3, paragraph "a", from the date costs and expenses
27 are incurred by the state or a political subdivision is a lien
28 on real property, except single and multifamily residential
29 property, on which the department incurs costs and expenses
30 creating a liability and owned by the persons liable under
31 this part 4 or part 5. To perfect the lien, a statement of
32 claim describing the property subject to the lien must be
33 filed within one hundred twenty days after the incurrence of
34 costs and expenses by the state or a political subdivision.
35 The statement shall be filed with, accepted by, and recorded

1 by the county recorder in the county in which the property
2 subject to the lien is located. The statement of claim may be
3 amended to include subsequent liabilities. To be effective,
4 the statement of claim shall be amended and filed within one
5 hundred twenty days after the occurrence of the event resulting
6 in the amendment.

7 Sec. 104. Section 455B.423, subsection 2, paragraph a,
8 subparagraph (3), Code 2021, is amended to read as follows:

9 (3) Emergency response activities as provided in part 4 of
10 this ~~division~~ subchapter IV.

11 Sec. 105. Section 455B.477, subsection 7, Code 2021, is
12 amended to read as follows:

13 7. The civil penalties or other damages or moneys recovered
14 by the state or the petroleum underground storage tank fund
15 in connection with a petroleum underground storage tank under
16 this part 8 of ~~this division~~ subchapter IV or chapter 455G
17 shall be credited to the fund created in section 455G.3 and
18 allocated between fund accounts according to the fund budget.
19 Any federal moneys, including but not limited to federal
20 underground storage tank trust fund moneys, received by the
21 state or the department of natural resources in connection
22 with a release occurring on or after May 5, 1989, or received
23 generally for underground storage tank programs on or after
24 May 5, 1989, shall be credited to the fund created in section
25 455G.3 and allocated between fund accounts according to the
26 fund budget, unless such use would be contrary to federal
27 law. The department shall cooperate with the board of the
28 Iowa comprehensive petroleum underground storage tank fund to
29 maximize the state's eligibility for and receipt of federal
30 funds for underground storage tank related purposes.

31 Sec. 106. Section 455B.751, unnumbered paragraph 1, Code
32 2021, is amended to read as follows:

33 As used in ~~this division~~ subchapter X, unless the context
34 otherwise requires:

35 Sec. 107. Section 455B.754, Code 2021, is amended to read

1 as follows:

2 **455B.754 Legal responsibility.**

3 This ~~division~~ subchapter X shall not be interpreted to
4 affect the legal responsibility to the state to conduct
5 response actions under any applicable state law. This ~~division~~
6 subchapter X shall not be interpreted to affect or provide
7 immunity from any criminal liability.

8 Sec. 108. Section 455B.801, Code 2021, is amended to read
9 as follows:

10 **455B.801 Short title.**

11 This ~~division~~ subchapter XI shall be known and may be cited
12 as the "*Mercury-Free Recycling Act*".

13 Sec. 109. Section 455B.802, unnumbered paragraph 1, Code
14 2021, is amended to read as follows:

15 As used in this division subchapter XI, unless the context
16 otherwise requires:

17 Sec. 110. Section 455B.803, subsection 2, paragraph b,
18 subparagraph (9), Code 2021, is amended to read as follows:

19 (9) The program shall not include inaccessible
20 mercury-added switches from end-of-life vehicles with
21 significant damage to the vehicle in the area surrounding the
22 mercury-added switch location. All accessible mercury-added
23 switches are expected to be collected under the provisions of
24 this ~~division~~ subchapter XI.

25 Sec. 111. Section 455B.803, subsection 2, paragraph e, Code
26 2021, is amended to read as follows:

27 e. On July 1, 2020, the commission shall cease enforcement
28 of the removal, collection, and recovery plans under this
29 section. On or before July 1, 2020, the commission shall
30 review the mercury-added switch removal, collection, and
31 recovery portion of this ~~division~~ subchapter XI and submit a
32 recommendation to the general assembly regarding the necessity
33 of continuing the enforcement of the removal, collection, and
34 recovery plans under this section.

35 Sec. 112. Section 455B.805, Code 2021, is amended to read

1 as follows:

2 **455B.805 General compliance with other provisions.**

3 Except as expressly provided in this ~~division~~ subchapter XI,
4 compliance with this ~~division~~ subchapter XI shall not exempt a
5 person from compliance with any other law.

6 Sec. 113. Section 455B.806, Code 2021, is amended to read
7 as follows:

8 **455B.806 Regulations.**

9 The commission shall adopt rules pursuant to chapter 17A
10 as necessary to implement the provisions of this ~~division~~
11 subchapter XI.

12 Sec. 114. Section 455B.807, subsection 2, Code 2021, is
13 amended to read as follows:

14 2. Publication of all required plans, information, reports,
15 and educational materials under this ~~division~~ subchapter XI
16 shall be through no less than two types of media available to
17 the general public. One medium must be available twenty-four
18 hours per day, seven days per week, and maintained with current
19 information. Acceptable types of media include but are not
20 limited to internet sites, periodicals, journals, and other
21 publicly available media in the state.

22 Sec. 115. Section 458A.21, subsection 1, Code 2021, is
23 amended to read as follows:

24 1. The state, counties, and cities, and other political
25 subdivisions may lease publicly owned lands under their
26 respective jurisdictions for the purpose of oil or gas or
27 metallic minerals exploration and production. Any such leases
28 shall be entered into on behalf of the state by the executive
29 council, on behalf of a county by the board of supervisors,
30 on behalf of a city by the council, and on behalf of another
31 political subdivision by the governing body. The leases shall
32 be upon terms and conditions as agreed upon.

33 Sec. 116. Section 458A.25, Code 2021, is amended to read as
34 follows:

35 **458A.25 Liens for labor or materials and of contractor and**

1 subcontractor — manner of perfecting liens — enforcement of
2 liens.

3 Provisions of chapter 572 as to mechanic's liens or labor
4 and materials furnished for improvements on real estate and
5 of contractors and subcontractors shall apply to labor and
6 materials furnished for gas or oil wells, or pipe lines, ~~and~~
7 ~~such~~. The liens shall not attach on the real estate, but shall
8 attach to the whole of the lease held, and upon the gas or oil
9 wells, buildings and appurtenances, and pipe lines for which
10 said labor or materials were furnished, and shall be perfected
11 and enforced as provided by ~~said~~ chapter 572.

12 Sec. 117. Section 459.202, subsection 1, paragraph b,
13 unnumbered paragraph 1, Code 2021, is amended to read as
14 follows:

15 The following table represents the minimum separation
16 distance in feet required between a confinement feeding
17 operation structure and a residence not owned by the owner of
18 the confinement feeding operation, or a commercial enterprise,
19 a bona fide religious institution, or an educational
20 institution:

21 Sec. 118. Section 459.202, subsection 2, paragraph b,
22 unnumbered paragraph 1, Code 2021, is amended to read as
23 follows:

24 The following table represents the minimum separation
25 distance in feet required between a confinement feeding
26 operation structure and a residence not owned by the owner of
27 the confinement feeding operation, or a commercial enterprise,
28 a bona fide religious institution, or an educational
29 institution:

30 Sec. 119. Section 459.304, subsection 3, paragraph c, Code
31 2021, is amended to read as follows:

32 c. In completing the master matrix, the board shall not
33 score criteria on a selective basis. The board must score all
34 criteria which ~~is~~ are part of the master matrix according to
35 the terms and conditions relating to construction as specified

1 in the application or commitments for manure management
2 that are to be incorporated into a manure management plan as
3 provided in [section 459.312](#).

4 Sec. 120. Section 462A.8, Code 2021, is amended to read as
5 follows:

6 **462A.8 Transmittal of information.**

7 When any request is duly made by an authorized official
8 or agency of the United States, any information compiled or
9 otherwise available to the commission under [this chapter](#), ~~such~~
10 ~~information~~ shall be transmitted to ~~said~~ that official or
11 agency.

12 Sec. 121. Section 481A.98, Code 2021, is amended to read as
13 follows:

14 **481A.98 Reporting violations.**

15 Each fur dealer shall report to the commission, the name of
16 any person, if known to the dealer, who attempts to sell any
17 skins or hides which appear to have been unlawfully taken, or
18 possessed by that person.

19 Sec. 122. Section 483A.1A, subsection 2, Code 2021, is
20 amended to read as follows:

21 2. "*Commission*" means the natural resource commission
22 created under section 455A.5.

23 Sec. 123. Section 483A.24, subsection 7, Code 2021, is
24 amended to read as follows:

25 7. A license shall not be required of minor pupils of
26 ~~the state school for the blind~~ Iowa braille and sight saving
27 school, Iowa school for the deaf, or of minor residents of
28 other state institutions under the control of an administrator
29 of a division of the department of human services. In
30 addition, a person who is on active duty with the armed forces
31 of the United States, on authorized leave from a duty station
32 located outside of this state, and a resident of the state of
33 Iowa shall not be required to have a license to hunt or fish in
34 this state. The military person shall carry the person's leave
35 papers and a copy of the person's current earnings statement

1 showing a deduction for Iowa income taxes while hunting or
 2 fishing. In lieu of carrying the person's earnings statement,
 3 the military person may also claim residency if the person is
 4 registered to vote in this state. If a deer or wild turkey is
 5 taken, the military person shall immediately contact a state
 6 conservation officer to obtain an appropriate tag to transport
 7 the animal. A license shall not be required of residents
 8 of county care facilities or any person who is receiving
 9 supplementary assistance under [chapter 249](#).

10 Sec. 124. Section 508.36, subsection 6, paragraph b,
 11 subparagraph (1), subparagraph division (a), Code 2021, is
 12 amended to read as follows:

13 (a) For life insurance,

14
$$I = .03 + \frac{W}{2} (R_1 - .03) + 2 \frac{(W/2)}{2} (R_2 - .09),$$

 15 where R_1 is the lesser of R and $.09$, R_2 is the greater of R and
 16 $.09$, R is the reference interest rate defined in paragraph "d"
 17 of [this subsection](#), and W is the weighting factor defined in
 18 paragraph "c" of [this subsection](#).

20 Sec. 125. Section 509.2, unnumbered paragraph 1, Code 2021,
 21 is amended to read as follows:

22 No policy of group life insurance shall be delivered in this
 23 state unless it contains in substance the following provisions,
 24 or provisions which in the opinion of the commissioner are more
 25 favorable to the persons insured or at least as favorable to
 26 the persons insured, and more favorable to the policyholder,
 27 provided, however, that provisions of [subsections 6 to through](#)
 28 ~~10, inclusive, of [this section](#)~~ shall not apply to policies
 29 issued to a creditor to insure debtors of such creditor;
 30 that the standard provisions required for individual life
 31 insurance policies shall not apply to group life insurance
 32 policies; and that if the group life insurance policy is on a
 33 plan of insurance other than the term plan, it shall contain
 34 a nonforfeiture provision or provisions which in the opinion
 35 of the commissioner is or are equitable to the insured persons

1 and to the policyholder, but nothing herein shall be construed
2 to require that group life insurance policies contain the same
3 nonforfeiture provisions as are required for individual life
4 insurance policies:

5 Sec. 126. Section 509.2, subsection 7, Code 2021, is amended
6 to read as follows:

7 7. A provision that the insurer will issue to the
8 policyholder for delivery to each person insured an individual
9 certificate setting forth a statement as to the insurance
10 protection to which the person is entitled, to whom the
11 insurance benefits are payable, and the rights and conditions
12 set forth in **subsections 8 to through 10, inclusive,** following
13 if applicable.

14 Sec. 127. Section 515.4, Code 2021, is amended to read as
15 follows:

16 **515.4 Name.**

17 If the commissioner of insurance finds the name of the
18 company to be so similar to one already appropriated by a
19 corporation of the same character as to be likely to mislead
20 the public or to cause inconvenience, the commissioner shall
21 refuse the commissioner's certificate to ~~its~~ the company's
22 articles on that ground.

23 Sec. 128. Section 515D.6, Code 2021, is amended to read as
24 follows:

25 **515D.6 Prohibited reasons.**

26 1. ~~No~~ An insurer shall not refuse to renew a policy
27 solely because of age, residence, sex, race, color, creed, or
28 occupation of an insured.

29 2. ~~No~~ An insurer shall not require a physical examination of
30 a policyholder as a condition for renewal solely on the basis
31 of age or other arbitrary reason. In the event that an insurer
32 requires a physical examination of a policyholder, the burden
33 of proof in establishing reasonable and sufficient grounds
34 for ~~such~~ the requirement shall rest with the insurer and the
35 expenses incident to ~~such~~ the examination shall be borne by the

1 insurer.

2 Sec. 129. Section 518B.5, Code 2021, is amended to read as
3 follows:

4 **518B.5 Warrants issued — overage fund.**

5 1. The secretary shall be reimbursed up to the amount
6 requested by warrants issued against the fund by the director
7 of the department of administrative services upon vouchers
8 approved by the director of the department of administrative
9 services and the commissioner. If the assessment produces a
10 fund greater than the amount requested by the secretary, the
11 overage shall be placed in a special fund in the office of the
12 treasurer of state under the control of the commissioner and
13 the director of the department of administrative services and
14 shall be applied to any subsequent requests by the secretary
15 for reimbursement of losses paid on lines of insurance
16 reinsured by the secretary in this state in accordance with the
17 Act.

18 2. In the event that the provisions of **this chapter** and the
19 assessments made ~~thereunder~~ under this chapter are no longer
20 needed in order to effectuate the program for which they were
21 intended, the amounts remaining in the special fund shall inure
22 to the general fund of the state.

23 Sec. 130. Section 521A.2, subsection 1, paragraph 1, Code
24 2021, is amended to read as follows:

25 1. Owning a corporation or corporations engaged or organized
26 to engage exclusively in one or more of the businesses
27 specified in paragraphs "a" ~~to~~ through "k" ~~inclusive~~.

28 Sec. 131. Section 523C.9, subsection 3, Code 2021, is
29 amended to read as follows:

30 3. The service company has without just cause refused to
31 perform or negligently or incompetently performed services
32 required to be performed under its service contracts and the
33 refusal, or negligent or incompetent performance, has occurred
34 with such frequency, as determined by the commissioner, as to
35 indicate the general business practices of the service company.

1 Sec. 132. Section 537.1201, subsection 1, paragraph a,
2 unnumbered paragraph 1, Code 2021, is amended to read as
3 follows:

4 A transaction, or acts, practices, or conduct with respect
5 to a transaction, if the transaction is entered into in this
6 state, except that a transaction involving other than open-end
7 credit or acts, practices, or conduct with respect to such a
8 transaction shall not subject any person to damages or penalty
9 under article 5 of this chapter, or administrative enforcement
10 under article 6, part 1-:

11 Sec. 133. Section 543C.1, subsection 1, Code 2021, is
12 amended to read as follows:

13 1. "*Advertisement*" means the attempt by, dissemination,
14 solicitation, or circulation to ~~induce~~ directly or indirectly
15 induce any person to enter into any obligation or acquire any
16 title or interest in land offered for sale or lease, to the
17 public in this state.

18 Sec. 134. Section 551.6, Code 2021, is amended to read as
19 follows:

20 **551.6 Enforcement.**

21 It shall be the duty of the county attorneys, in their
22 counties, and the attorney general, to enforce the provisions
23 of sections 551.1 ~~to~~, 551.2, 551.4, and 551.5, ~~inclusive~~, by
24 appropriate actions in courts of competent jurisdiction.

25 Sec. 135. Section 556E.6, Code 2021, is amended to read as
26 follows:

27 **556E.6 Tests for articles.**

28 In any test for the ascertainment of the fineness of any
29 such article mentioned in this and sections 556E.3 ~~to~~ through
30 556E.5, ~~inclusive~~, according to the foregoing standards, the
31 part of the article taken for the test shall be such portion
32 as does not contain or have attached thereto any solder or
33 alloy of inferior metal used for brazing or uniting the parts
34 of such article, and provided further and in addition to the
35 foregoing test and standards, that the actual fineness of the

1 entire quantity of metal purporting to be silver contained in
2 any article mentioned in [sections 556E.3 to through 556E.5](#),
3 ~~inclusive~~, including all solder or alloy of inferior fineness
4 used for brazing or uniting the parts of any such article,
5 all such silver, alloy, or solder being assayed as one piece,
6 shall not be less by more than ten one-thousandths parts than
7 the fineness indicated according to the foregoing standards,
8 by the mark stamped, branded, engraved, or imprinted upon such
9 article, or upon any tag, card, or label attached thereto, or
10 upon any container in which said article is enclosed.

11 Sec. 136. Section 557C.2, Code 2021, is amended to read as
12 follows:

13 **557C.2 Definitions.**

14 As used in [this chapter](#), unless the context otherwise
15 requires, ~~"book"~~:

16 1. "Book", "list", "record", or "schedule" kept by a county
17 auditor, assessor, treasurer, recorder, sheriff, or other
18 county officer means the county system as defined in section
19 445.1.

20 2. ~~A "mineral"~~ "Mineral interest in coal" means an interest
21 created by an instrument which creates or transfers either
22 by grant, assignment, reservation, or otherwise, an interest
23 of any kind in coal, as described in [chapter 207](#), without
24 limitation on the manner of mining the coal.

25 Sec. 137. Section 573.6, Code 2021, is amended to read as
26 follows:

27 **573.6 Subcontractors on public improvements.**

28 The following provisions shall be held to be a part of
29 every bond given for the performance of a contract for the
30 construction of a public improvement, whether said provisions
31 be inserted in such bond or not, to wit:

32 ~~1-~~ [1] The principal and sureties on this bond hereby agree
33 to pay to all persons, firms, or corporations having contracts
34 directly with the principal or with subcontractors, all just
35 claims due them for labor performed or materials furnished, in

1 the performance of the contract on account of which this bond
2 is given, when the same are not satisfied out of the portion
3 of the contract price which the public corporation is required
4 to retain until completion of the public improvement, but the
5 principal and sureties shall not be liable to said persons,
6 firms, or corporations unless the claims of said claimants
7 against said portion of the contract price shall have been
8 established as provided by law.

9 ~~2.~~ [2] Every surety on this bond shall be deemed and
10 held, any contract to the contrary notwithstanding, to consent
11 without notice:

12 ~~a.~~ [a] To any extension of time to the contractor in which
13 to perform the contract.

14 ~~b.~~ [b] To any change in the plans, specifications, or
15 contract, when such change does not involve an increase of more
16 than twenty percent of the total contract price, and shall then
17 be released only as to such excess increase.

18 ~~c.~~ [c] That no provision of this bond or of any other
19 contract shall be valid which limits to less than one year from
20 the time of the acceptance of the work the right to sue on this
21 bond for defects in the quality of the work or material not
22 discovered or known to the obligee at the time such work was
23 accepted.

24 Sec. 138. Section 588.1, Code 2021, is amended to read as
25 follows:

26 **588.1 Failure to make proper entries.**

27 All execution sales heretofore had wherein the execution
28 officer has failed to endorse on the execution the day and hour
29 when received, the levy, sale, or other act done by virtue
30 thereof, with the date thereof, the dates and amounts of any
31 receipts or payment in satisfaction thereof at the time of the
32 receipt or act done, or has failed to endorse thereon, an exact
33 description of the property levied upon at length with the date
34 of levy, be and the same are hereby legalized and declared
35 to be legal and valid as if all of the provisions of laws as

1 required by sections 11664 ~~to~~ through 11668.1 [~~Code 1939~~], ~~both~~
2 ~~inclusive~~, Code 1939, had been in all respects strictly and
3 fully complied with.

4 Sec. 139. Section 590.1, Code 2021, is amended to read as
5 follows:

6 **590.1 Notice of appointment of executors.**

7 1. In all instances prior to January 1, 1964, where
8 executors or administrators have failed to publish notice of
9 their appointment as required by section 3304, Code of 1897,
10 and section 11890, Codes of 1924 ~~to~~ through 1939, ~~inclusive~~,
11 and section 633.46, Codes 1946 ~~to~~ through 1962, ~~inclusive~~,
12 but have published a notice of appointment, such notice of
13 appointment is hereby legalized and shall have the same force
14 and effect as though the same had been published as directed
15 by the court or clerk.

16 2. In all instances where more than five years have passed
17 since the appointment of a personal representative or probate
18 of a will without administration, where administrators have
19 failed to publish notice of their appointment as required by
20 section 633.230, and executors have failed to publish a notice
21 of admission of the will to probate and their appointment as
22 required by sections 633.304 and 633.305, but have published
23 a notice of appointment or notice of admission of the will to
24 probate and of the appointment of the executor, such notice of
25 appointment or notice of admission of the will to probate and
26 of the appointment of the executor, is hereby legalized and
27 shall have the same force and effect as though the same had
28 been published as required.

29 Sec. 140. Section 592.4, Code 2021, is amended to read as
30 follows:

31 **592.4 Making and recording plats.**

32 The acts of the county auditors of Iowa, in making and
33 recording plats as authorized under sections 922, 923, and
34 924 of the Code, of 1897, and sections 6289 ~~to~~ through 6299,
35 ~~inclusive~~, of subsequent Codes to and including the Code, of

1 1939, without first having properly signed or acknowledged the
2 same, and the acts of the county recorders of Iowa in recording
3 such plats, are hereby legalized and the same declared valid
4 and binding the same as though they had in such respects been
5 made and recorded in strict compliance with law.

6 Sec. 141. Section 602.8108, subsection 7, paragraph b,
7 unnumbered paragraph 1, Code 2021, is amended to read as
8 follows:

9 The moneys in the fund shall be used to enhance the ability
10 of the judicial branch to process cases more quickly and
11 efficiently, to electronically transmit information to state
12 government, local governments, law enforcement agencies, and
13 the public, and to improve public access to the court system.
14 The moneys in the ~~collection~~ fund may also be used for any of
15 the following:

16 Sec. 142. Section 621.4, Code 2021, is amended to read as
17 follows:

18 **621.4 Dismissal for failure to furnish.**

19 An action in which a bond for costs is required by sections
20 621.1 ~~to through~~ 621.3, ~~inclusive~~, shall be dismissed, if a
21 bond is not given in such time as the court allows.

22 Sec. 143. Section 621.5, Code 2021, is amended to read as
23 follows:

24 **621.5 Becoming nonresident.**

25 If the plaintiff or any intervenor in an action, after its
26 institution and at any time before its final determination,
27 becomes a nonresident of this state, the plaintiff or
28 intervenor may be required to give security for costs in the
29 manner provided in sections 621.1 to through 621.4, ~~inclusive~~.

30 Sec. 144. Section 622.10, subsection 3, paragraph e, Code
31 2021, is amended to read as follows:

32 e. Defendant's counsel shall provide a written notice to
33 plaintiff's attorney in a manner consistent with the Iowa
34 rules of civil procedure providing for notice of deposition at
35 least ten days prior to any meeting with plaintiff's physician

1 or surgeon, physician assistant, advanced registered nurse
2 practitioner, or mental health professional. Plaintiff's
3 attorney has the right to be present at all such meetings, or
4 participate in telephonic communication with the physician
5 or surgeon, physician assistant, advanced registered nurse
6 practitioner, or mental health professional and the attorney
7 for the defendant. Prior to scheduling any meeting or engaging
8 in any communication with the physician or surgeon, physician
9 assistant, advanced registered nurse practitioner, or mental
10 health professional, the attorney for the defendant shall
11 confer with plaintiff's attorney to determine a mutually
12 convenient date and time for such meeting or telephonic
13 communication. Plaintiff's attorney may seek a protective
14 order structuring all communication by making application to
15 the court at any time.

16 Sec. 145. Section 633.402, Code 2021, is amended to read as
17 follows:

18 **633.402 Sale defined.**

19 For purposes of **this part**, sale of property includes but is
20 not limited to the granting of an easement, the granting of an
21 option, the granting of a right of refusal, and the granting
22 or conveyance of any other interest, title, or right regarding
23 property.

24 Sec. 146. Section 633.563, subsection 1, unnumbered
25 paragraph 1, Code 2021, is amended to read as follows:

26 At or before a hearing on a petition for the appointment of
27 a guardian or conservator or the modification or termination
28 of a guardianship or conservatorship, the court shall order a
29 professional evaluation of the respondent unless one of the
30 following criteria ~~are~~ is met:

31 Sec. 147. Section 802.9, Code 2021, is amended to read as
32 follows:

33 **802.9 Indictment or information where a defect is found.**

34 If a defect, error, or irregularity is discovered in any
35 indictment or information which, on motion of either party,

1 causes ~~same~~ the indictment or information to be dismissed or
2 the prosecution to be set aside or reversed on appeal, a new
3 indictment or information may be found within thirty days after
4 such action notwithstanding the time limitations enumerated in
5 this chapter.

6 Sec. 148. 2020 Iowa Acts, chapter 1102, section 16, is
7 amended to read as follows:

8 SEC. 16. Section 270.1, Code 2020, is amended to read as
9 follows:

10 **270.1 Superintendent.**

11 The superintendent of the Iowa school for the deaf shall
12 be a trained and experienced educator of the deaf and hard of
13 hearing. The superintendent's salary may include residence in
14 the institution, but no such allowance shall be made except by
15 express contract in advance.

16 Sec. 149. 2020 Iowa Acts, chapter 1108, section 2, is
17 amended to read as follows:

18 SEC. 2. Section 256.16, subsection 1, paragraph c, Code
19 2020, is amended to read as follows:

20 c. Include in the professional education program,
21 preparation that contributes to the education of students
22 with disabilities and students who are gifted and talented,
23 preparation in developing and implementing individualized
24 education programs and behavioral intervention plans,
25 preparation for educating individuals in the least restrictive
26 environment and identifying that environment, ~~and~~ strategies
27 that address difficult and violent student behavior and
28 improve academic engagement and achievement, and preparation in
29 classroom management addressing high-risk behaviors including
30 but not limited to behaviors related to substance abuse.
31 Preparation required under this paragraph must be successfully
32 completed before graduation from the practitioner preparation
33 program.

34 DIVISION II

35 CODE EDITOR DIRECTIVES

1 Sec. 150. CODE EDITOR DIRECTIVES.

2 1. a. The Code editor shall change Arabic numeral
3 subchapter designations to Roman numeral subchapter
4 designations in the following Code chapters:

5 (1) Chapter 190C.

6 (2) Chapter 216A.

7 (3) Chapter 455H.

8 (4) Chapter 554D.

9 (5) Chapter 637.

10 b. In addition to making changes throughout the 2021 version
11 of the Iowa Code, the Code editor is directed to make changes
12 in any Code sections amended or enacted by any other Act to
13 correspond with the changes made in this section of this Act
14 if there appears to be no doubt as to the proper method of
15 making the changes and the changes would not be contrary to or
16 inconsistent with the purposes of this Act or any other Act.

17 2. a. The Code editor is directed to make the following
18 transfers:

19 (1) Section 232.152 to section 232.7A.

20 (2) Section 232.153 to section 232.7B.

21 b. The Code editor shall correct internal references in the
22 Code and in any enacted legislation as necessary due to the
23 enactment of this section.

24 3. The Code editor may change chapter division designations
25 to subchapter designations and correct internal reference as
26 necessary in and to chapter 455B.

27 4. Sections 101.10, 455B.135, 455B.137, 455B.142, 455B.185,
28 455B.223, 455B.336, 455B.339, 455B.340, 455B.382, 455H.102,
29 and 459A.501, Code 2021, are amended by striking the word
30 "division" and inserting in lieu thereof the word "subchapter".

31 5. Sections 172D.3, subsection 2, paragraph "b", unnumbered
32 paragraph 1; 172D.3, subsection 2, paragraph "c", unnumbered
33 paragraph 1; 172D.3, subsection 2, paragraph "c", subparagraphs
34 (1), (2), (3), and (4); 455B.103, subsection 4, paragraph "d";
35 455B.103A, subsection 5; 455B.104, subsection 1; 455B.131,

1 unnumbered paragraph 1; 455B.134, subsection 2; 455B.171,
 2 unnumbered paragraph 1; 455B.211, unnumbered paragraph
 3 1; 455B.261, unnumbered paragraph 1; 455B.301, unnumbered
 4 paragraph 1; 455B.303, subsection 1; 455B.304, subsection 1;
 5 455B.331, unnumbered paragraph 1; 455B.335, subsections 1 and
 6 3; 455B.337, subsection 2; 455B.361, unnumbered paragraph 1;
 7 455B.362, subsection 2; 455B.381, unnumbered paragraph 1;
 8 455B.381, subsection 4; 455B.384, subsection 2; 455B.390,
 9 unnumbered paragraph 1; 455B.390, subsection 2; 455B.391,
 10 subsection 1; 455D.4A, subsection 2, unnumbered paragraph
 11 1; 455D.4A, subsections 3 and 4; 455E.11, subsection 2,
 12 paragraph "d", subparagraph (2); 455H.107, subsection 3,
 13 paragraph "a"; 455H.204, subsection 6; 456.14, subsection 2,
 14 unnumbered paragraph 1; 459.601, subsection 2, paragraph "a";
 15 and 459A.401, subsection 3, Code 2021, are amended by striking
 16 the word "division" and inserting in lieu thereof the word
 17 "subchapter".

18 6. The Code editor may number unnumbered paragraphs within
 19 sections 28A.17, 28I.1, 28K.4, 64.15, 80D.6, 87.19, 90A.8,
 20 103A.2, 135J.2, 136B.4, 148B.1, 162.19, 165.28, 232A.2, 238.12,
 21 252F.2, 256A.5, 262A.5, 262A.9, 263A.7, 285.4, 285.14, 299.10,
 22 306C.21, 316.14, 323.5, 323.11, 327C.19, 341A.3, 341A.4,
 23 341A.5, 341A.8, 347B.9, 389.4, 425A.8, 426.6, 450B.6, 465B.1,
 24 481B.3, 481B.4, 484A.4, 492.6, 493.12, 496B.13, 497.22, 497.35,
 25 498.19, 498.24, 498.37, 507D.2, 507D.5, 510.12, 510.21, 513A.6,
 26 515A.15, 516A.1, 516A.3, 516B.2, 517A.1, 518.29, 518A.44,
 27 518A.54, 518C.16, 521G.8, 527.10, 538A.11, 552.4, 552.17,
 28 553.14, 570.4, 589.27, 591.16, 591.17, 610.1, 611.2, 617.9,
 29 618.14, 625.22, 645.2, 647.1, 647.2, 654B.11, 679B.14, 681.11,
 30 714A.4, 714D.1, 819.3, 819.4, 904.109, and 914.7, Code 2021,
 31 in accordance with established section hierarchy and correct
 32 internal references in the Code and in any enacted Iowa Acts,
 33 as necessary.

34 DIVISION III
 35 APPLICABILITY PROVISIONS

1 a two-part qualifying phrase in language describing the
2 eligibility requirements for the renewable chemical production
3 tax credit.

4 Section 15.354: Corrects subject-verb agreement in two
5 places in this provision describing the process for issuance of
6 tax credit certificates by the economic development authority
7 under the workforce housing tax incentives program.

8 Section 15J.2: Moves language citing the statutory
9 authority for agreements under the Iowa reinvestment Act so
10 that it immediately succeeds the word "agreement".

11 Section 17A.4A: Corrects the name of the publication "Iowa
12 administrative bulletin" in this provision regarding regulatory
13 analysis of proposed rules under the Iowa administrative
14 procedure Act.

15 Section 24.29: Divides a long sentence in this provision
16 relating to hearings by the state appeal board of protests
17 against decisions made by certifying boards or levying boards
18 of local government entities regarding proposed budgets,
19 expenditures, or tax levies.

20 Section 29A.75: Updates language and replaces parentheses
21 to conform to current Code style in this provision relating to
22 affidavits relating to powers of attorney executed by military
23 service personnel.

24 Section 29B.43: Adds a terminal comma before the last item
25 in a series in this provision regarding oaths taken by military
26 judges, members of general and special courts-martial, trial
27 counsel, assistant trial counsel, assistant defense counsel,
28 reporters, and interpreters before performing official duties.

29 Sections 48A.19, 135.16, and 135.16A: Corrects a reference
30 by name to the federal special supplemental nutrition program
31 established under 42 U.S.C. §1786, in these provisions relating
32 to voter registration, methamphetamine education, and retail
33 egg sales. The name of the United States department of
34 agriculture, food and nutrition service is also corrected in
35 Code section 135.16.

1 Section 50.48: Adds a comma to set off a clause and to match
2 the punctuation used in the immediately following sentence in
3 language relating to recounts of votes by county boards of
4 canvassers.

5 Section 67.3: Numbers paragraphs and updates language
6 in this provision regarding witnesses called to testify in
7 investigations regarding books, papers, vouchers, moneys,
8 securities, and documents held by, or the expenditure of funds
9 or the directing of expenditure of funds by, any state officer,
10 board, or commission.

11 Section 80.45A: Strikes the words "of the department" so
12 that the definition of the term "commissioner" matches the
13 definition and title given to the department of public safety's
14 chief executive officer under Code sections 80.1A and 80.2.

15 Section 80D.9: Divides this Code section relating to
16 supervision of reserve peace officers into two based upon
17 subject matter and numbers the resulting unnumbered paragraphs.

18 Section 84A.13: Adds an internal reference to the statute
19 in which the Iowa child care challenge fund is established,
20 after a reference to that fund by name, in this provision
21 establishing the Iowa employer innovation program and fund.

22 Section 85.26: Eliminates quotation marks from a term that
23 is not being used as a definition to conform language relating
24 to limitations of actions regarding workers' compensation
25 benefits to current Code style.

26 Sections 85.55 and 216.22: Adds quotation marks to language
27 defining the terms "franchisee" and "franchisor" in provisions
28 relating to workers' compensation and the regulation of certain
29 franchise relationships by the civil rights commission.

30 Section 85A.4: Moves language and adds quotation marks
31 to this definition of the term "disablement" to conform the
32 language to the current Code style for definitions.

33 Section 89A.10: Changes "insure" to "ensure" to conform
34 this language regarding the issuance of injunctions to prevent
35 or control imminently dangerous conveyances to the substance of

1 the rest of the sentence.

2 Section 91.11: Numbers unnumbered paragraphs and divides
3 a long sentence in this provision regarding prosecutions of
4 violations of labor and employment safety laws by the labor
5 commissioner.

6 Section 96.1A: Conforms a sentence fragment describing
7 the succeeding defined terms "totally unemployed", "partially
8 unemployed", and "temporarily unemployed" to those succeeding
9 definitions in this definitions section for the Code chapter
10 relating to unemployment compensation.

11 Section 96.6: Changes "issuing" to "issuance of" to
12 improve the clarity of this provision relating to initial
13 determinations of validity of claims for unemployment
14 compensation.

15 Section 96.14: Replaces a comma with "or" to correct the
16 grammar of a nonseries in language relating to the enjoining
17 of employers from doing business due to failure to comply with
18 the reporting and financial requirements of the Code chapter
19 regarding unemployment compensation.

20 Section 96.40: Corrects the use of a preposition in language
21 regarding the filing of appeals from decisions made by the
22 department of workforce development.

23 Section 124.409: Changes "insure" to "ensure" to conform to
24 the substance of language describing measures taken to allow
25 persons convicted of certain controlled substance offenses to
26 seek treatment, and to assure compliance with the law.

27 Section 125.33: Adds the word "person" after the word
28 "incompetent" to conform the uses of terminology and adds
29 commas within this provision relating to discharge of, and
30 transportation and shelter of, persons leaving substance abuse
31 treatment facilities.

32 Sections 135.14 and 135.15: Corrects references by name to
33 the oral and health delivery systems bureau in these provisions
34 relating to the establishment, direction, management, and
35 supervision of that bureau.

1 Section 135.19: Corrects a reference by name to the centers
2 for disease control and prevention of the United States
3 department of health and human services in this provision
4 relating to the viral hepatitis program.

5 Section 135.43: Adds the words "member who is" to a
6 paragraph to match the style of other similar paragraphs, and
7 moves language in another provision to improve readability, in
8 this provision regarding the appointment and duties of the Iowa
9 child death review team.

10 Section 135.173A: Corrects a reference by name to the
11 early childhood Iowa office in this provision regarding the
12 establishment of the state child care advisory committee.

13 Section 148F.3: Replaces "the effective date of this Act"
14 with the date "July 1, 2012" to reflect the actual enactment
15 date for 2012 Iowa Acts, chapter 1101, in which this Code
16 section was enacted.

17 Section 153.14: Removes quotation marks from terms that are
18 not definitions in this provision excluding certain persons and
19 professions from regulation under the Code chapter governing
20 the practice of dentistry to conform to current Code style.

21 Section 154A.20: Adds a comma after the word "and" to set
22 off the word "therefore" in a statement that must be included
23 on a receipt for the purchase of hearing aids from a hearing
24 aid specialist.

25 Section 158.1: Adds commas to set off a clause regarding
26 moveable locations and to clarify the applicability of language
27 regarding the practice of barbering in either of the locations
28 described in the subsection.

29 Section 162.1: Changes "insure" to "ensure" to conform
30 to the substance of the language of this provision relating
31 to the care and treatment of dogs and cats in commercial
32 establishments.

33 Section 190B.201: Adds the words "agriculture and land
34 stewardship" after references to "department" because the term
35 "department" is defined to mean the department of revenue

1 in subchapter I of this Code chapter regarding farm to food
2 donation tax credits and emergency food purchases.

3 Sections 191.1, 191.2, 359A.22, 509.2, 521A.2, 556E.6,
4 590.1, 592.4, 621.4, and 621.5: Changes "to" to "through" and
5 strikes the word "inclusive" in these provisions relating to
6 food labeling, fence viewers, group life insurance policies,
7 insurance holding companies, gold and silver alloy, legalizing
8 certain notices of appointment of executors, the making and
9 recording of certain plats, and security for the costs of a
10 court proceeding, to conform the string citations to other
11 string citations in the Code in which the last citation in the
12 string is intended to be included in the reference.

13 Section 200.2: Strikes the words "hereinafter referred to
14 as the secretary" from this provision describing the enforcing
15 official for the Code chapter regarding fertilizers and soil
16 conditioners, because the term "secretary" is defined in Code
17 section 200.3 to mean the secretary of agriculture.

18 Section 200.15: Moves language and restructures this
19 provision to improve the readability and to conform this
20 provision, relating to refusal to register or cancellation of
21 registration and licenses under the Code chapter regarding
22 fertilizers and soil conditioners, to current Code style.

23 Section 202B.202: Letters unnumbered paragraphs within
24 subsection 1 and adds the word "Iowa" to Iowa Acts citations
25 within subsections 2 and 3, in this provision regarding
26 compliance requirements for cooperative associations that were
27 parties to certain contracts for the care and feeding of swine
28 and for swine and beef processors.

29 Section 216B.2: Reorganizes the content and numbers
30 the resulting unnumbered paragraphs of this Code section
31 establishing the commission for the blind.

32 Section 225C.3: Adds the word "state" before the words
33 "board of regents" to correct references to that board by name
34 in this Code section regarding the division of mental health
35 and disability services of the department of human services.

1 Section 230.20: Corrects capitalization of the adjective
2 "x-ray" to conform to the capitalization used elsewhere in
3 the Code for that adjective in this provision relating to the
4 billing of patient charges for services provided in a state
5 mental health institute.

6 Section 232.182: Renumbers subsections to eliminate an old
7 alphanumeric designation in this Code section regarding initial
8 determinations in voluntary foster care placement proceedings.

9 Section 260C.48: Conforms the form of a verb used to
10 describe qualifications required of persons who teach at
11 community colleges to the parallel verb form used to describe
12 alternate qualifications for those same individuals.

13 Section 261.120: Conforms the language describing the
14 educational enrollment and attainment requirements for persons
15 participating in the rural veterinarian loan repayment program
16 to the terminology used to describe a doctor of veterinary
17 medicine degree in Code chapter 169.

18 Section 263B.4: Places definitions in alphabetical order in
19 this definitions Code section within the Code chapter regarding
20 the state archaeologist.

21 Section 272A.1: Places the definitions for the interstate
22 agreement on qualifications of educational personnel in
23 alphabetical order.

24 Section 306A.10: Supplies missing indefinite articles and a
25 comma and replaces the word "same" with "facility" to improve
26 the readability of this provision relating the relocation or
27 removal of a utility facility near a highway.

28 Section 311.23: Supplies missing comma after "cash" to set
29 off a clause that currently ends in a comma in this provision
30 relating to payment of construction costs of secondary road
31 projects.

32 Section 321.504: Supplies a missing "the" to match the
33 style of the rest of this Code section relating to an optional
34 notification procedure for service of original notices of suit
35 upon nonresident defendants in actions for damages arising out

1 of use and operation of motor vehicles.

2 Section 327E.1: Numbers unnumbered paragraphs, replaces
3 the word "it" with "railway corporation", and updates other
4 language in this provision relating to operation of foreign
5 railway companies within the state of Iowa.

6 Section 331.424: Eliminates references to Code sections
7 that were repealed by 2020 Iowa Acts, chapter 1045, in this
8 Code section relating to supplemental tax levies by counties.

9 Section 359.3: Replaces the word "same" with "city" in this
10 provision regarding changing of boundary lines of townships
11 within a county by the county board of supervisors to conform
12 to the boundaries of a city.

13 Section 359.32: Changes "gifts" to "gift" to conform to the
14 singular form used for the other subjects within the series
15 describing what township trustees may accept for purposes of
16 providing for perpetual cemetery upkeep.

17 Section 420.236: Updates the style of the language in this
18 provision relating to payment of taxes in special charter
19 cities to conform to current style.

20 Section 421.27: Simplifies language making definitions used
21 in Code section 422.25A applicable to this Code subparagraph
22 relating to the conditions that must be shown before penalties
23 for the late payment of certain state taxes may be waived.

24 Section 421.59: Removes a redundant numeric reference to
25 subsection 1 within paragraph "b" of subsection 1 of this Code
26 section relating to the filing of a power of attorney by a
27 taxpayer with the department of revenue.

28 Section 422.4: Removes a redundant reference to "hereof"
29 that follows a reference to "subsection 15" in this definition
30 of the term "nonresident" for a Code subchapter regarding
31 personal net income tax.

32 Section 422.11A: Divides this Code section that provides
33 a new jobs tax credit for industries that meet certain
34 requirements into its subject matter components, numbers the
35 resulting paragraphs, and moves language containing an internal

1 Code section reference so that it immediately follows the term
2 that is defined in the Code provision referenced.

3 Section 422.11S: Corrects subject-verb agreement within
4 this provision relating to the school tuition organization tax
5 credit.

6 Section 422.25A: Changes a comma to the word "of" to clarify
7 that subchapter C is a subset of title 26, subtitle F, chapter
8 63, of the United States Code in this definition of the term
9 "partnership level audit" for purposes of the reporting and
10 treatment of certain partnership adjustments in tax audits.

11 Section 422.29: Updates a reference by name to the Iowa
12 administrative procedure Act to a numeric reference within
13 this provision relating to judicial review of decisions of
14 the director of revenue under the Code chapter pertaining to
15 individual income, corporate, and franchise taxes.

16 Section 422.33: Moves language containing an internal Code
17 section reference so that it immediately follows the term that
18 is defined in the Code provision referenced, and divides and
19 redesignates resulting paragraphs, in this provision describing
20 how the new jobs tax credit is calculated for purposes of
21 computation of corporate income tax.

22 Section 422.72: Strikes the redundant word "whatever"
23 and changes a comma to a semicolon to separate a description
24 of unlawful conduct from a series that applies to an initial
25 description of other unlawful conduct in this provision
26 describing activities in which the director of revenue and any
27 current or former officers or employees of the department of
28 revenue cannot engage.

29 Sections 455B.133B, 455.134, 455B.138, 455B.145, 455B.146,
30 45B.146A, 455B.149, 455B.171, 455B.173, 455B.174, 455B.177,
31 455B.179, 455B.182, 455B.183A, 455B.183C, 455B.191, 455B.192,
32 455B.219, 455B.307, 455B.396, 455B.423, 455B.477, 455B.751,
33 455B.754, 455B.801, 455B.802, 455B.803, 455B.805, 455B.806,
34 and 455B.807: Changes chapter division designations to
35 subchapter designations and conforms citation style within

1 these Code sections in the Code chapter regarding the
2 jurisdiction of the department of natural resources. In some
3 of the provisions, the words "of this chapter" are stricken
4 and the words "thereunder" and "thereto" are replaced with
5 subchapter references. In other provisions, the word "this"
6 or specific numeric part and subchapter references are added
7 for consistency and clarity. A directive in division II
8 of the bill directs the Code editor to change divisions to
9 subchapters within Code chapter 455B and to also correct
10 internal references related to that change.

11 Section 455B.140: Replaces a reference to the Iowa
12 administrative procedure Act by name with a numeric reference
13 to Code chapter 17A in this provision relating to judicial
14 review of the actions of the director of the department of
15 natural resources under that Act.

16 Section 455B.143: Updates, to current Code style, language
17 describing the circumstances under which the director of the
18 department of natural resources may grant a variance from the
19 rules or standards governing emissions by a plant, building,
20 structure, process, or equipment into the air.

21 Section 455B.175: Moves language relating to rules and
22 the issuance of permits so that it precedes the Code chapter,
23 subchapter, and part references that apply to those rules
24 and permits, and conforms the style of language immediately
25 preceding a colon and in the succeeding lettered provisions to
26 current Code style in this Code section relating to violations
27 of certain water quality requirements.

28 Section 455B.224: Changes a Code chapter division
29 designation to a subchapter designation, replaces the word
30 "said" with "this", and replaces "thereunder" with "under this
31 part" in this provision establishing a penalty for improper
32 operation of a water treatment plant.

33 Section 455B.307A: Changes a Code chapter division
34 designation to a subchapter designation and strikes a redundant
35 numeric self-reference to Code chapter 455B in this Code

1 section regarding the disposal of solid waste.

2 Section 458A.21: Updates the grammar and punctuation in two
3 series within this Code section regarding the lease of public
4 lands.

5 Section 458A.25: Divides a long sentence and clarifies an
6 internal reference to Code chapter 572 to improve hypertext
7 linkage in this provision regarding liens for labor or
8 materials furnished for improvements for gas or oil wells, pipe
9 lines, and buildings and appurtenances.

10 Section 459.202: Adds the indefinite article "a" before
11 two identical expressions in two paragraphs to match similar
12 language used elsewhere in this Code section regarding minimum
13 separation distances between confinement feed operation
14 structures and certain other structures.

15 Section 459.304: Corrects subject-verb agreement in
16 language regarding the scoring of criteria that are part of the
17 master matrix developed and used to assess applications for
18 the construction, including expansion, of confinement feeding
19 operations.

20 Section 462A.8: Updates the style and grammar of this Code
21 section relating to the transmission of information by the
22 natural resource commission to federal officials or agencies
23 after a request has been made.

24 Section 481A.98: Corrects the use of commas within this Code
25 section requiring fur dealers to report any person who attempts
26 to sell skins or hides that appear to have been unlawfully
27 taken or possessed.

28 Section 483A.1A: Adds a citation to the enabling statute
29 for the natural resource commission for hypertext linkage in
30 a definition of the term "commission" for the Code chapter
31 pertaining to fishing and hunting licenses, contraband, and
32 guns.

33 Section 483A.24: Corrects the name of the institution
34 for the visually disabled, to the name found in Code chapter
35 269, in this Code section regarding the issuance of hunting or

1 fishing licenses.

2 Section 508.36: Reformats a formula for calculation of
3 calendar year statutory valuation interest rates for life
4 insurance policies so that the formula will always match the
5 original enactment. The formula was enacted in 1982 Iowa
6 Acts, chapter 1072, section 2, but, because of its current
7 formatting, the underlined "W" does not and has not remained in
8 the same location in all publications.

9 Section 515.4: Replaces "its" with "the company's"
10 in this provision relating to refusal of a certificate by
11 the commissioner of insurance to a company's articles of
12 incorporation because the company's name has already been
13 appropriated by another corporation of the same character.

14 Section 515D.6: Numbers unnumbered paragraphs and updates
15 style to current Code style in this provision enumerating
16 reasons that cannot be used by an insurer to refuse to issue or
17 renew a policy of automobile insurance.

18 Section 518B.5: Numbers unnumbered paragraphs and replaces
19 "thereunder" with "under this chapter" in this provision
20 relating to disposition of excess moneys received from
21 assessments from insurers for purposes of the federal riot
22 reinsurance reimbursement program.

23 Section 523C.9: Adds a comma to set off a clause that
24 is preceded by a comma to improve the readability of this
25 provision relating to the conditions under which a license of a
26 motor vehicle service contract company may be suspended by the
27 commissioner of insurance.

28 Section 537.1201: Replaces a period with a semicolon in this
29 provision regarding the applicability of the consumer credit
30 code to correct an incorrect 1975 codification of the original
31 1974 enactment, 65 G.A. 1250, section 1.201, and to conform the
32 grammar and syntax of the provision to current Code style.

33 Section 543C.1: Removes a comma after a verb that is not
34 part of a series, moves the word "induce" after the words
35 "directly or indirectly", and strikes an incorrect comma

1 to improve the readability of this definition of the term
2 "advertisement" in this Code chapter relating to sales of
3 subdivided land outside of Iowa.

4 Section 551.6: Changes "to" to a list of referenced Code
5 sections and strikes "inclusive", and eliminates a reference to
6 repealed Code section 551.3, to correct and conform a string
7 citation to current Code style in this provision relating to
8 enforcement of prohibitions against unfair discrimination in
9 commercial sales and purchases of commodities or services.

10 Section 557C.2: Numbers paragraphs and reformats
11 definitions contained in this definitions section for the Code
12 chapter relating to mineral interests in coal to match standard
13 Code format.

14 Section 573.6: Reformats this provision relating to bonds
15 given for performance of a contract for the construction of a
16 public improvement to place the language that is supposed to
17 be inserted into the bonds into a form and to separate that
18 language from the statutory requirements.

19 Section 588.1: Changes "to" to "through", conforms the
20 citation to prior Code to current style, and strikes the
21 words "both inclusive" to conform this string citation to
22 other string citations in the Code in which all Code sections
23 referenced are included in the citation in this provision
24 legalizing and validating the sales of certain properties
25 despite irregularities in the procedures followed for levy,
26 execution, and sale of those properties.

27 Section 602.8108: Strikes the word "collection" that
28 appears before the word "fund" to avoid a conflict with the
29 actual name of the fund and conform to earlier fund references
30 in this paragraph relating to use of moneys in the court
31 technology and modernization fund.

32 Section 622.10: Adds the definite article "the" in two
33 places to improve the readability of this provision prohibiting
34 the compelling of disclosure of certain communications made in
35 professional confidence.

1 Section 633.402: Adds a terminal comma before the last item
2 in a series in this provision describing what constitutes a
3 sale of property for purposes of the probate code.

4 Section 633.563: Changes plural verb "are" to the singular
5 "is" to match the antecedent subject "one" in this provision
6 relating to professional evaluations of respondents in
7 proceedings for the appointment of a guardian or conservator
8 or the modification or termination of an existing guardianship
9 or conservatorship.

10 Section 802.9: Replaces the word "same" with "indictment or
11 information" to match previous terminology and to clarify this
12 provision relating to disposition of a defective indictment or
13 information.

14 2020 Iowa Acts, chapter 1102: Corrects the name of the Iowa
15 school for the deaf in amendments made to Code section 270.1 by
16 2020 Iowa Acts, chapter 1102, section 16. This change is made
17 retroactively applicable in division III of the bill.

18 2020 Iowa Acts, chapter 1108: Strikes an unnecessary "and"
19 from a series that was added in amendments made to Code section
20 256.16 by 2020 Iowa Acts, chapter 1108, section 1.

21 Division II:

22 This division permits the Code editor to change the numeric
23 designations from Arabic to Roman numerals in Code subchapter
24 headings in the enumerated Code chapters to avoid having
25 subchapter identifiers and Code section identifiers appear to
26 be identical in Code element tagging.

27 The division directs the Code editor to transfer Code
28 section 232.152 to Code section 232.7A, and to transfer Code
29 section 232.153 to Code section 232.7B, and to correct internal
30 references in the Code and in any enacted legislation as
31 necessary due to the transfers.

32 The division contains Code editor directives to change the
33 Code chapter division designations to subchapter designations
34 in Code chapter 455B and to change the word "division" to
35 "subchapter" in various enumerated Code sections and Code

1 section subunits.

2 The division also requires the Code editor to number the
3 unnumbered paragraphs in various enumerated provisions in
4 accordance with established Code section hierarchy and to
5 correct internal references as necessary.

6 Division III:

7 This division makes the amendment to 2020 Iowa Acts, chapter
8 1102, retroactively applicable to July 1, 2020.